

**CHAPTER 83A  
DISTRICT COUNCILS ACT**

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• Act • Subsidiary Legislation •

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**ACT**

Act No. 16 of 1995

**ARRANGEMENT OF SECTIONS**

**PART I**

*Preliminary*

1. Short title.
2. Interpretation.

**PART II**

*Division of Grenada into Districts and Wards*

3. Division of Grenada into Districts.
4. Division of Districts into Wards.
5. How Ward to be described.

**PART III**

*Establishment of District Councils*

6. Establishment of District Councils.
7. Naming District Councils.
8. Membership of District Councils.
9. Term of office.

**PART IV**

*Qualifications and Disqualifications of District Councillors*

10. Qualifications of members.
11. Disqualifications of members.
12. Members' seats vacated in certain events.
13. Statement and declaration by person named.
14. Power of Council to expel members.
15. Resignation of members.
16. Ward may recall Councillor.
17. Notification of vacancy in Council.
18. Time and conduct of elections.
19. Swearing in of Councillors.
20. Oath to be taken by Councillor.
21. Occasional elections.

## PART V

*Chairperson and Deputy Chairperson*

- 22. Election of Chairperson and Deputy Chairperson.
- 23. Powers and duties of Chairperson and Deputy Chairperson.
- 24. Chairperson and Deputy Chairperson are *ex officio* Justices of the Peace.
- 25. Exemption from jury service.
- 26. Leave of absence for Chairperson.

## PART VI

*Procedural Matters and Standing Orders*

- 27. Appointment of committees.
- 28. Meetings.
- 29. Quorum.
- 30. No act to be questioned on account of vacancy.
- 31. Penalty for unqualified persons sitting and voting.
- 32. Admission of minutes of proceedings.
- 33. Commissioner may attend Council meetings.
- 34. Power to make standing orders.

## PART VII

*Officers and other Staff*

- 35. Appointment of Secretary to Council.
- 36. Duties of Secretary.
- 37. Assistant Secretary.
- 38. Other officers and staff.
- 39. Discipline of officers and staff.
- 40. Security by officers and staff.
- 41. Accounts of officers and other workers.
- 42. Purchase by officer or other staff of property sold for taxes prohibited.

## PART VIII

*Powers and Functions of Councils*

- 43. Amenities Council may provide.
- 44. Council dealing in lands.
- 45. Council may fix fees and other charges.
- 46. Power of Council to make By-laws.
- 47. Penalties regarding By-laws.

## PART IX

*Financial Provisions*

- 48. Sources of revenue of Councils.
- 49. Central Government subventions.
- 50. Private donations.
- 51. Raising loans.
- 52. Council may fix and collect rates on property.

*District Councils Act – Subsidiary Legislation*

- 
- 53. Permitted areas of expenditure.
  - 53A. Estimates need approval of House of Representatives.
  - 54. District Fund.
  - 55. Form of yearly accounts.
  - 56. Inspection of books and accounts.
  - 57. Auditing accounts of District Fund.

## PART X

*Legal Proceedings*

- 58. Making false declaration or oath.
- 59. Giving false evidence.
- 60. Failure to quit land or building of a local authority.
- 61. Failure of occupier to assist in carrying out this Act.
- 62. Penalty for failure of occupier to assist in carrying out this Act.
- 63. Damaging document.
- 64. Wilfully damaging works of local authority.
- 65. Miscellaneous offences.
- 66. General penal provision.
- 67. Council representation in legal proceedings.
- 68. Restriction on recovery of penalties.
- 69. Evidence of By-laws or regulations.
- 70. Proof of minutes of a District Council.
- 71. Execution of document by District Council.
- 72. Notice to proprietor or occupier.
- 73. Service of notices, orders or other documents.
- 74. Service of process.
- 75. Notice of action against District Council or member or officer.
- 76. To whom penalties payable.
- 77. Exemption of court fees.
- 78. Protection from personal liability.
- 79. Venue of proceedings.
- 80. Arbitration.

## PART XI

*National Local Government Review*

- 81. Establishment and composition of Review.
- 82. Time and place of meeting of Review.
- 83. Review to choose own Chairperson and Secretary.
- 84. Role of Review.
- 85. Subvention for Review.
- 86. Public may attend.
- 87. Oath or affirmation of office.

## PART XII

*Central Government Control of Local Government Authorities*

- 88. Reprimanding a local authority.
- 89. Dissolving or suspending a local authority or withholding grants.
- 90. Right of local authority to be heard.
- 91. Commissioner of Local Government.

## PART XIII

*Miscellaneous, Repeal and Commencement*

92.	Approval to be in writing.
93.	Powers not specifically granted.
94.	Minister may make regulations.
95.	Repeals.
96.	Commencement.
First Schedule	Statement of Qualification of Person Elected or Co-Opted to be a Member of the District Council of
Second Schedule	Warrant of Distress
Third Schedule	Fees Payable for Process of Distress
Fourth Schedule	Fees for Execution and Sale
Fifth Schedule	Order to Permit Execution of Works
Sixth Schedule	

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**CHAPTER 83A  
DISTRICT COUNCILS ACT**

**An Act relating to the establishment, constitution, powers, functions and duties of District Councils as organs of Local Government in Grenada.**

[Act No. 16 of 1995.]

[5th April, 1995.]

## PART I

*Preliminary***1. Short Title**

This Act may be cited as the District Councils Act, 1995.

**2. Interpretation**

In this Act—

“Accountant-General” means the Accountant-General of Grenada or his or her lawful deputy; and in matters relating to a District Revenue Office includes the chief officer in charge of such office;

“Chairperson” means the Chairperson of a District Council;

“Commissioner” means the Commissioner of Local Government;

“Constituency” has the same meaning as that given to it by the Representation of the People Act, Chapter 286A, unless specifically otherwise provided by or under this Act;

“Council” means a District Council constituted and established by or under this Act;

“Director of Audit” has the same meaning as that given to it by the Constitution of the State of Grenada;

“District” means a District constituted and established by or under this Act;

“District Council” means a Council for a District constituted and established by or under this Act;

“Local Authority” has the same meaning as “Local Government Authority”;

“Local Government” means the system of administration established by this Act and other Acts providing for local government;

“Local Government Authority” means any body established by or under this Act for the purpose of administering Local Government and includes a District Council;

“Minister” means the Minister for the time being charged with responsibility for the subject of Local Government;

“owner” means the person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement whether in his or her own right or as a trustee or personal representative of any other person, or in the occupation of such land or tenement other than as a tenant from year to year, or for any less term, or as a tenant at will;

“premises” includes messuages, buildings, lands, easements, and hereditaments of any tenure;

“reputed owner” of any building or of any vacant lot of land means the person entered as the owner of such building or of such vacant lot of land in the Rate Roll Book for the time being in force or in any register of ownership kept by a Council;

“Secretary” means the Secretary of a Council;

“State” means the State of Grenada, including Carriacou and Petit Martinique;

“Supervisor of Elections” means the Supervisor of Elections appointed under the Constitution of Grenada;

“Supreme Court” means the Supreme Court of Grenada;

“to value” means to fix the annual rateable value of any rateable hereditament in accordance with the provisions of any Act or order providing for the valuation of property for local government purposes;

“vacant lot” means a lot of land on which there is no habitable building and which cannot reasonably be regarded as the curtilage of an existing building;

“valuation” means the sum fixed by a Council or by any assessment committee appointed by a Council as the annual rateable value of any rateable hereditament;

“Ward” means a Ward constituted and established by or under this Act.

## PART II

### *Division of Grenada into Districts and Wards*

#### **3. Division of Grenada into Districts**

(1) For the purposes of this Act, and subject as herein provided, the State of Grenada shall be divided into the following areas which, unless otherwise herein provided, shall be called Districts—

- (i) Town of St. George, comprising the constituency of the Town of St. George, which shall for purposes of Local Government be called a Municipal Borough,
- (ii) St. George Northern, comprising the constituencies of St. George North East and St. George North West,
- (iii) St. George Southern, comprising the constituencies of St. George South and St. George South East,
- (iv) St. David's, comprising the constituency of St. David's,
- (v) St. Andrew's Northern, comprising the constituencies of St. Andrew North East and St. Andrew North West,
- (vi) St. Andrew's Southern, comprising the constituencies of St. Andrew South East and St. Andrew South West,
- (vii) St. Patrick's, comprising the constituencies of St. Patrick East and St. Patrick West,
- (viii) St. Mark's, comprising the constituency of St. Mark's,
- (ix) St. John's comprising the constituency of St. John's,
- (x) Carriacou and Petit Martinique, comprising the constituency of Carriacou and Petit Martinique, which shall for purposes of Local Government be called a County.

(2) The boundaries of the Districts or other areas referred to in subsection (1) shall be more particularly set out and described in relation to the Wards referred to in section 4 of this Act.

(3) The Minister may by Order published in the *Gazette* alter the boundaries of any District or other area established by or under this Act or vary the number of such Districts or other areas by increasing or reducing them.

(4) No Order made under subsection (3) shall have effect unless approved by a resolution of the House of Representatives.

#### **4. Division of Districts into Wards**

(1) Each District or other area referred to in section 3 shall comprise such number of Wards as may be prescribed under this Act in accordance with this section.

(2) Subject to subsection (5) the Minister may by Order published in the *Gazette* prescribe the number of Wards into which the State may be divided, and their boundaries, declaring any portion of the State to be a Ward.

(3) Subject to subsection (5) the Minister may by Order published in the *Gazette* alter the boundaries of any Ward or vary the number of Wards by increasing or reducing them.

(4) The Ward in any locality shall as far as possible be identical with the polling division established for that locality by or under the Representation of the People Act, Chapter 286A:

Provided that in delimiting Wards the Minister may seek to achieve uniformity in relation to the numbers of voters in Wards.

(5) No Order made under subsection (2) or (3) shall have effect unless approved by a resolution of the House of Representatives.

**5. How Ward to be described**

In every Order made under section 4 of this Act, each Ward shall be described by a name and/or a number.

## PART III

*Establishment of District Councils***6. Establishment of District Councils**

(1) Each District established by or under section 3 of this Act shall by virtue of this section have a local government authority, and in relation to the Districts referred to in section 3(1)(ii) to (ix) of this Act, each such local government authority shall be called a District Council which shall be a body corporate and which shall be constituted in accordance with this Act and which shall have the powers, functions and duties provided for in this Act.

(2) The District Councils established by and under subsection (1) shall be entitled to make contracts and to acquire, hold and dispose of all kinds of property real and personal in their respective corporate names and shall have and use a common seal and by and in the name of the “District Council of” (naming the particular district) may sue and be sued in all Courts of Law without the licence of the Minister. The official seal of a District Council shall be judicially noticed.

**7. Naming of District Councils**

Each District Council shall bear the name of its respective District so that the Councils referred to in this Act shall be called—

- (a) the “St. George Northern District Council”;
- (b) the “St. George Southern District Council”;
- (c) the “St. David’s District Council”;
- (d) the “St. Andrew’s Northern District Council”;
- (e) the “St. Andrew’s Southern District Council”;
- (f) the “St. Patrick’s District Council”;
- (g) the “St. Mark’s District Council”;
- (h) the “St. John’s District Council”.

**8. Membership of District Councils**

(1) The membership of each District Council shall be as follows—

- (a) One (1) Councillor elected for each Ward by the voters of that Ward, which Councillors shall be called the elected Councillors;
- (b) Three (3) co-opted Councillors chosen by the elected Councillors in secret ballot; and
- (c) The Member or Members of the House of Representatives elected to represent the constituency or constituencies comprising the respective District under the Representation of the People Act, Chapter 286A, or his or her nominee or their nominees.

(2) The elected Councillors shall be elected in local government elections conducted in accordance with elections referred to in section 18 of this Act.

(3) If no one is elected to represent a Ward in the elections referred to in subsection (2), the Minister may select from that Ward a person to serve as the elected Councillor for that Ward, and the person so selected by the Minister shall for all intents and purposes be deemed to be the elected Councillor for that Ward. In making such a selection, the Minister shall act fairly, and shall consult both the Member of the House of Representatives elected to represent the constituency in which the Ward is located and the Leader of the Opposition in the House of Representatives.

(4) The elected Councillors of a District may, for the purpose of assisting them in the carrying out of their responsibilities, co-opt up to three co-opted Councillors, which co-opted Councillors may be public officers.

## **9. Term of office**

(1) Elected and co-opted Councillors shall hold office for four years, each Council being elected in accordance with elections referred to in section 18 of this Act:

Provided that Councillors shall be eligible to be re-elected or to be co-opted again.

(2) A person who is a member of a District Council by virtue of section 8(1)(c) of this Act shall cease to be such member immediately he or she ceases to represent the relevant constituency in the House of Representatives.

## PART IV

### *Qualifications and Disqualifications of District Councillors*

## **10. Qualifications of members**

A person shall not be qualified to be elected to a Council unless he—

- (a) (i) is a citizen of the State, or
  - (ii) is a Commonwealth citizen who has resided in the State for a period of at least twelve months immediately preceding the date of his or her nomination for election to the Council or is domiciled in the State and is resident therein at that date;
- (b) is borne on the register of voters established under the Local Government (Elections) Act, Chapter 176A;
- (c) resides in the Ward which he or she seeks to represent on the Council;
- (d) has attained the age of eighteen years; and
- (e) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with sufficient proficiency to enable to him or her to take an active part in the proceedings of the Council.

## **11. Disqualifications of members**

(1) A person shall be disqualified from becoming or from continuing to be a member of a Council if and while he—

- (a) fails to meet the qualifications to be elected a member stipulated in section 10 of this Act;

- (b) is by virtue of his or her own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Grenada;
- (d) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Grenada;
- (e) is under sentence of death imposed on him or her by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him or her by such a court or substituted by competent authority for some other sentence imposed on him or her by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
- (f) holds any office or place of profit in the gift or disposal of such Council; or
- (g) has, directly or indirectly, by himself or herself or his or her partner, any share or interest in any contract or employment with, by, or on behalf of, such Council:

Provided that a person shall not be so disqualified or be deemed to have any share or interest in any such contract or employment by reason only of his or her having any share or interest in—

- (i) any lease, sale or purchase of land or any agreement for the same,
- (ii) any agreement for the loan of money only or any security for the payment of money only,
- (iii) any newspaper in which any advertisement relating to the affairs of such Council is published,
- (iv) any company which contracts with such Council for lighting or insuring against fire any part of the district, or
- (v) any company incorporated by law or Royal Charter in which he or she does not hold more than one-fifth of the shares:

Provided further that no member of a Council shall be so disqualified if, he or she having tendered for the supply of any materials for the use such Council, it is found by a majority of members thereof that the supply of such materials by the member will be beneficial to the Council.

- (2) A person shall not be qualified to be elected as a member of a Council if—
  - (a) he or she holds or is acting in any public office or appointment (either individually or by reference to a class of public office or appointment);
  - (b) he or she belongs to any of the armed forces of the Crown or to any class of person that is comprised in any such force;
  - (c) he or she belongs to any police force or to any class of person that is comprised in any such force; or
  - (d) is a co-opted member of the Council.
- (3) For the purposes of subsection (1)(e)—
  - (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those

sentences exceeds a term of twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and

- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

## 12. Members' seats vacated in certain events

(1) The seat of a member of a Council shall, *ipso facto*, become vacant if he—

- (a) fails for three consecutive months to attend any meeting of the Council without leave of the Council;
- (b) resigns his or her seat by letter under his or her hand addressed to the Chairperson of the Council, or where the Chairperson is resigning, to the Council and the Minister through the Commissioner;
- (c) is absent from the State for more than thirty days at any one time without leave of the Council;
- (d) refuses or neglects to take and subscribe the declaration of acceptance of office or the oath of office prescribed by this Act;
- (e) is recalled by the Ward he or she represents on the Council, in accordance with any Order made by the Minister and published in the *Gazette* regulating the recall of elected Councillors;
- (f) is not in the State at the date of election, and continues to be out of the State for a period of more than three months from the date of such election;
- (g) is declared bankrupt or compounds by deed with creditors or makes any arrangement or composition with creditors under the Bankruptcy Act, Chapter 27, by deed or otherwise and is not discharged from such bankruptcy;
- (h) being a member of the Council by virtue of being a member of the House of Representatives under section 8(1)(c) of this Act, ceases for any reason to be such member of the House of Representatives; or
- (i) being a co-opted member his or her status as such is terminated by the Council.

(2) A Council may grant leave to any of its members to be absent from the State or to otherwise absent himself or herself from the service of the Council for any period not exceeding six (6) weeks in the aggregate in any calendar year.

## 13. Statement and declaration by person named

Every named member of a Council shall at the first meeting of the Council which he or she attends deliver to the Secretary a statement in writing, signed by him or her, of his or her qualifications, in the Form contained in the First Schedule to this Act, and shall sign the declaration in that Form, constituting the declaration of acceptance of office by that member.

## 14. Power of Council to members

If any member of a Council over a period of time obstinately and persistently refuses to obey and conform himself or herself to the rules of the Council despite his or her being time and again required to observed the rules it shall be lawful for the Council, after affording such member a full opportunity of defending himself or herself, by resolution to

expel such member from the Council and to declare his or her seat vacant, and his or her seat shall *ipso facto* become vacant accordingly.

#### **15. Resignation of members**

Any member of a Council may, by notice in writing to the Chairperson, resign his or her seat on the Council, and the Chairperson of a Council may resign his or her Chairpersonship or his or her seat by notice in writing to the Council and the Minister through the Commissioner.

#### **16. Ward may recall Councillor**

A Ward may, in the circumstances outlined in regulations made by the Minister under section 94 of this Act and at any time permitted by such regulations, recall its elected local government Councillor.

#### **17. Notification of vacancy in Council**

(1) Where an elected member of a Council dies, or becomes disqualified from continuing to be such member or his or her seat as such member *ipso facto* becomes vacant or he or she is recalled or he or she otherwise ceases to be such member, the Council shall forthwith declare his or her office to be vacant and signify the fact and circumstances of such vacancy by notice published in any local newspaper.

(2) The signification referred to in subsection (1) shall also be notified by the Council through the Clerk to the Minister through the Commissioner and the Minister shall cause such notification to be published in the *Gazette*.

#### **18. Time and conduct of elections**

(1) All elected Councillors shall be elected directly by the people of their respective Wards at elections held every fourth year, on such date as may be specified by order made by the Minister and published in the *Gazette*, in accordance with the Local Government (Elections) Act, Chapter 176A, and every Council constituted by or under this Act shall be a local authority to which that Act applies.

(2) If the Minister is satisfied that it is not feasible for elections of Councillors to be held at the time herein stipulated, he or she may by order published in the *Gazette* postpone such elections to a date to be set in that order.

(3) The four year term of office of Councillors referred to in subsection (1) shall commence with the swearing in of Councillors by their taking and subscribing the oath or affirmation of office specified in section 86 of this Act, which swearing in shall take place within fourteen (14) days of the election results for the particular Council being declared under the Local Government (Elections) Act, Chapter 176A.

#### **19. Swearing in of Councillors**

(1) The swearing in of Councillors by their taking and subscribing the oath or affirmation of office specified in section 86 of this Act, referred to in section 18(3) of this Act shall take place at a meeting of the elected Councillors which meeting shall be convened by the Secretary or in his or her absence the Assistant Secretary:

Provided that if there is no Secretary or Assistant Secretary, the Commissioner or such other person as the Minister may appoint shall convene the meeting.

(2) The Secretary or in his or her absence the Assistant Secretary shall preside at the meeting referred to in subsection (1) until the Chairperson has been selected but shall not be entitled to vote thereat:

Provided that if there is no Secretary or Assistant Secretary, the Commissioner or such other person as the Minister may appoint shall preside at the meeting until the Chairperson has been elected but shall not be entitled to vote thereat.

(3) As soon as possible after such swearing in as referred to in subsection (1) and after electing a Chairperson and Deputy Chairperson as required by section 22(1) of this Act, the elected Councillors shall elect their co-opted Councillors and the swearing in of a co-opted Councillor shall take place at the meeting of the respective Council occurring immediately next after his or her election by the elected Councillors.

## **20. Oath to be taken by Councillor**

(1) Every person elected, co-opted or selected to a Council, after making and subscribing the declaration of acceptance of office in the meeting referred to in section 13 of this Act, shall, at that same meeting and immediately after so making and subscribing the declaration of acceptance of office, take and subscribe the oath or affirmation of office specified in section 86 of this Act.

(2) The oath or affirmation of office referred to in subsection (1) shall be tendered to a Councillor by the Secretary of his or her respective Council or in the absence of such Secretary Assistant Secretary of the Council and attested by an officer of the Council appointed by the Secretary for the purpose:

Provided that if there is no Secretary or Assistant Secretary, the oath or affirmation of office shall be tendered by the Commissioner or such other person as appointed by the Minister for the purpose.

(3) A person elected, co-opted or selected to a Council shall not assume office as such or enter upon the duties of his or her office as such unless he or she has taken and subscribed the oath or affirmation of office referred to in subsection (1) and unless he or she has made and subscribed the declaration of acceptance of office referred to in section 13 of this Act.

## **21. Occasional elections**

(1) In the event of the Minister being notified of the occurring of a vacancy in a post of elected Councillor referred to in section 17 of this Act, the Minister shall within seven (7) days of receiving such notification inform the Supervisor of Elections in writing of such vacancy and the Supervisor of Elections shall within thirty (30) days of being so informed cause to be held an election of a Councillor in place of the Councillor whose office has been declared vacant.

(2) Where such a vacancy as referred to in subsection (1) occurs within three (3) months of the date of the next general election of Councillors, such vacancy shall not be filled until the next general election of Councillors.

(3) A person filling a vacancy in the office of Councillor under subsection (1) shall hold office for the unexpired term of office of his or her predecessor:

Provided that he or she shall be eligible to be re-elected.

*Chairperson and Deputy Chairperson***22. Election of Chairperson and Deputy Chairperson**

(1) At the meeting for the swearing in of the elected Councillors referred to in section 19 of this Act, and immediately after the elected Councillors take and subscribe the oath or affirmation of office referred to in section 20(1) of this Act, the elected Councillors shall elect out of their number a Chairperson and a Deputy Chairperson.

(2) Until the Chairperson is elected at the meeting referred to in subsection (1), that meeting shall be presided over by the Secretary, Assistant Secretary, Commissioner or other person appointed by the Minister in accordance with section 19(2) of this Act, which Secretary, Assistant Secretary, Commissioner or other person shall not be entitled to vote thereat.

(3) A person who is a member of a Council by virtue of section 8(1)(c) of this Act shall be disqualified from taking part and voting in the electing of the Chairperson and Deputy Chairperson, and shall not be eligible to be elected Chairperson or Deputy Chairperson.

(4) On the day of the election, the Secretary, Assistant Secretary, Commissioner or such other person as appointed by the Minister shall attend at and from the hour of nine in the forenoon at the place specified in the notice convening the meeting, and shall receive the nominations of candidates for the offices of Chairperson and Deputy Chairperson. No nomination shall be valid unless it is seconded and signed by the person being nominated as evidence of his or her agreeing to be nominated.

(5) If only one candidate is nominated for each respective office that candidate is nominated for each respective office that candidate shall forthwith be declared to have been elected as Chairperson or Deputy Chairperson as the case may be.

(6) If more members than one are nominated for either office, the person presiding shall proceed to take the votes of the members present and the member securing the greatest number of votes shall be declared to have been elected as Chairperson or Deputy Chairperson as the case may be, but if there is no election on account of equality of votes, lots shall be drawn by the persons nominated under the supervision of the Commissioner, at a day, hour and place fixed by the Minister.

(7) The Chairperson and Deputy Chairperson shall, before assuming office as such, take and subscribe the oath or affirmation of office specified in section 86 of this Act, and shall not assume office as such without taking and subscribing such oath or affirmation of office.

(8) An occasional vacancy in the office of the Chairperson or Deputy Chairperson of a Council shall be deemed to have occurred under this section where—

- (a) the Chairperson or Deputy Chairperson dies, or ceases to be a member of the Council or his or her office as member is declared to be vacant for disqualification or otherwise;
- (b) the Chairperson or Deputy Chairperson notifies in writing to the Council and the Minister through the Commissioner his or her resignation as Chairperson or Deputy Chairperson;
- (c) the Chairperson or Deputy Chairperson is granted leave of absence by the Council;
- (d) the Chairperson or Deputy Chairperson departs from the State without leave from the Council; or

- (e) the Chairperson or Deputy Chairperson is voted out of office by a majority of the elected members of the Council on the ground that they have lost confidence in him or her as Chairperson or Deputy Chairperson in a vote by secret ballot conducted in accordance with subsection (11).

(9) Where an occasional vacancy in the office of Chairperson or Deputy Chairperson is deemed to have occurred under subsection (8) another elected member shall, in accordance with this section, be elected as Chairperson or Deputy Chairperson as the case may be, and such newly elected Chairperson or Deputy Chairperson shall hold office for the unexpired portion of the term in relation to which the occasional vacancy has occurred:

Provided that in the case of a vacancy occurring under subsection (8)(c) of this section such member shall hold the office of Chairperson or Deputy Chairperson only until such time as the Chairperson or Deputy Chairperson who was granted leave of absence by the Council has returned from such leave and has notified the Minister in writing through the Commissioner that he or she has resumed the office of Chairperson or Deputy Chairperson:

Provided further that if a vacancy arises in the office of Chairperson for any reason before the end of the third year of the term of the holder of that office, an election for Chairperson shall be held within forty-five days of the vacancy so arising, but meanwhile the Deputy Chairperson shall act as Chairperson.

(10) The term of office of the Chairperson and Deputy Chairperson shall be two (2) years, but the holder of the office shall be eligible for re-election:

Provided always that no person shall serve as Chairperson or Deputy Chairperson for more than four (4) years in succession:

Provided further that notwithstanding anything to the contrary in this subsection contained, the Chairperson shall continue in office until his or her successor in office has accepted office and taken and subscribed the required oath or affirmation of office.

(11) A Council may remove its Chairperson or Deputy Chairperson if it has lost confidence in him or her, as provided for in subsection (8)(e):

Provided that the Council adheres to the relevant provisions of Part VI of this Act, in particular section 29(1), (2) and (5); and

Provided further that proceedings for the removal of the Chairperson or Deputy Chairperson under this subsection shall be chaired by the Commissioner.

### **23. Powers and duties of Chairperson and Deputy Chairperson**

(1) The Chairperson shall preside at every meeting of the Council at which he or she is present and shall have such other powers and perform such other duties as are vested in him or her by this Act or as may from time to time be assigned to him or her by the Council in accordance with this Act.

(2) The Chairperson shall have an original vote and in case of an equal division of votes on any question before the Council, he or she shall have a second or casting vote.

(3) In the temporary absence or inability of the Chairperson to perform his or her functions through illness or otherwise, the Deputy Chairperson shall perform those functions, including the presiding at meetings of the Council. In the absence or inability of both the Chairperson and Deputy Chairperson, such other elected member of the Council as may be appointed by the Council for that purpose shall perform those functions.

**24. Chairperson and Deputy Chairperson are *ex officio* Justices of the Peace**

(1) The Chairperson and Deputy Chairperson of every Council shall be *ex officio* Justices of the Peace for the State and, unless disqualified for re-election to such office, shall continue to be a Justice of the Peace during the year next after they cease to be such Chairperson and Deputy Chairperson as aforesaid.

(2) The disqualification referred to in subsection (1) shall not include disqualification due to ineligibility for re-election as Chairperson or Deputy Chairperson by reason only of any person having served as Chairperson or Deputy Chairperson for four (4) successive years.

(3) Before acting as Justices of the Peace, the Chairperson and Deputy Chairperson of a Council shall take the oaths required by law to be taken by such justices unless, on the day on which they become entitled to act as Chairperson or Deputy Chairperson, they have already taken the oaths required by law to be taken to act as such justices.

(4) That an elected member of the Council serves temporarily as Chairperson or Deputy Chairperson under section 23(3) of this Act does not entitle him or her to be an *ex officio* Justice of the Peace under this section.

**25. Exemption from jury service**

The Chairperson, Deputy Chairperson and other members of a Council shall, during their terms of office, be exempted from jury service.

**26. Leave of absence for Chairperson**

A Council may grant leave of absence to the Chairperson and Deputy Chairperson for any period or periods not exceeding six (6) weeks in the aggregate in any calendar year in the case of the Chairperson and not exceeding four (4) weeks in the aggregate in any calendar year in the case of the Deputy Chairperson.

**PART VI***Procedural Matters and Standing Orders***27. Appointment of committees**

(1) A Council may, from time to time, appoint so many committees, either of a general or special nature and consisting of such number of persons as they think fit, for any purposes which a Council may think would be better regulated or managed by means of such committees. The Chairperson and Deputy Chairperson of a Council shall be *ex officio* members of every such committee of that Council. Every committee shall report its proceeding to its parent Council and any act, order or decision of every such committee of which the respective Council disapproves shall be null and void.

(2) A Council appointing any committee may appoint a member of such committee to be the chairperson thereof and in default herein the committee may make the appointment.

(3) Nothing in this section shall authorise a Council to delegate to a committee, or chairperson of a committee, any power of making a rate or of signing a By-law or of executing a contract.

**28. Meetings**

(1) A Council shall meet once in each month and at such other times as may be fixed by rules of the Council, or when convened by the Chairperson.

(2) If the Chairperson refuses to call a meeting after a requisition for that purpose signed by fifty per cent of the elected members of a Council has been presented to him or her, those signing the requisition may forthwith on that refusal call a meeting.

(3) If the Chairperson (without so refusing) does not within seven days after receiving the requisition referred to in subsection (2) convene a meeting, those signing the requisition may, on expiration of those seven days, convene a meeting.

(4) For purposes of this section persons who are members of a Council by virtue of section 8(i)(c) of this Act shall be deemed elected members.

## **29. Quorum**

(1) One-third of all the elected members of a Council shall form a quorum for the transaction of business:

Provided that in no case shall a quorum be less than four such elected members.

(2) All acts of a Council and all questions coming or arising before a Council may be done and decided by a majority of such elected members of the Council as are present and voting on such acts and questions, the whole number present at the meeting, whether voting or not, not being less than a quorum.

(3) A member of a Council or committee shall not vote upon or take part in the discussion of any matter before the Council or committee in which he or she has, directly or indirectly, by himself or herself or his or her partner, any pecuniary interest.

(4) For purposes of this section, persons who are members of a Council by virtue of section 8(1)(c) of this Act shall be deemed elected members.

(5) (a) Ten clear days at least before any ordinary meeting of a Council, a notice to attend such meeting, specifying the business to be transacted thereat and signed by the Secretary, shall be left at the usual place of business or abode of each member of the Council.

(b) Want of service of the notice on any member of the Council shall not affect the validity of a meeting if reasonable steps had been taken to secure such service.

(c) Except by leave of a Council, no business shall be transacted at a meeting other than that specified in the notice relating thereto.

## **30. No act to be questioned on account of vacancy**

No act or proceeding of a Council or of any committee shall be invalidated in consequence of there being any vacancy in the number of the Council at the time of such act or proceeding or of the subsequent discovery that there was some defect in the election of any person or that he or she was incapable of being such member.

## **31. Penalty for unqualified persons sitting and voting**

(1) Every person who, having been returned as an elected member of a Council not being at his or her election qualified or being then disqualified to be elected a member of the Council, knowingly sits or votes in the Council, shall for every day on which he or she knowingly sits or votes, and every person who sits or votes in a Council after his or her office has been declared to be vacant, shall for every day on which he or she

knowingly sits or votes after his or her office has been declared vacant, be liable to a penalty of ten dollars for every day on which he or she sits or votes.

(2) The penalty referred to in subsection (1) may be recovered by action in the Magistrate's court of the district in which the Council is situate by any person registered to vote in local government elections in the District, but no process shall be issued out of the court unless the person suing out the process first deposits with the clerk of the court the sum of one hundred dollars as security for any costs which may become payable by him or her.

(3) No action under this section shall be brought after six months from the date of the publication of the result of the election in the *Gazette* under the Local Government (Elections) Act, Chapter 176A, or from the declaration of a vacancy by the Council under section 17, as the case may be.

### **32. Admission of minutes of proceedings**

(1) A minute of the proceedings of a Council, or of a committee thereof, signed at the same or next ensuing meeting by the Chairperson, or by a member of the committee describing himself or herself as, or appearing to be Chairperson thereof, shall be received in evidence, without further proof, in all Courts and for all other purposes whatsoever.

(2) Until the contrary is proved, every meeting of a Council or of a committee thereof, in respect of the proceedings whereof a minute has been so made, shall be deemed to have been duly convened and held; and all the members present at the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minute until the contrary is proved.

### **33. Commissioner may attend Council meetings**

The Commissioner shall be entitled to attend any meeting of a District Council and take part in the proceedings at the meeting but not vote thereat.

### **34. Power to make standing orders**

(1) Subject to the provisions of this Act, a Council may from time to time make standing orders relating to all or any of the following matters, namely—

- (a) the time and place of its meetings;
- (b) the mode of convening its meetings;
- (c) the attendance of its members;
- (d) the form and order of its debates;
- (e) the powers and duties of its officers and servants; and
- (f) the general regulation and conduct of the proceedings of meetings of the Council and of the mode of conducting its business.

(2) No standing order shall be made, or, when made, altered or revoked, unless special notice of the intended making, alteration, or revocation has been given at the meeting preceding that at which the making, alteration, or revocation is proposed, and unless special notice as aforesaid has been also transmitted in writing to the members of the Council at least three days before such meeting.

(3) Any standing order made under this section shall, subject to any special standing order for committee meetings made by a Council, apply to the meetings of a committee.

## PART VII

*Officers and other Staff***35. Appointment of Secretary to Council**

(1) A Council may appoint some fit and proper person, not being a member of a Council, to be its Secretary.

(2) The Secretary shall be the Clerk of the Council.

**36. Duties of Secretary**

(1) The Secretary of a Council shall be the chief executive officer of the Council, and shall have all the powers and perform all the duties as are or may be conferred and imposed upon him or her by this or any other Act, or by any By-law, or order of the Council.

(2) The Secretary shall attend the meetings of the Council and of every committee, and shall keep minutes of the proceedings of every meeting.

(3) The Secretary shall not be liable to serve on any jury.

(4) The Secretary shall have the charge and custody of, and be responsible for, the deeds, records and documents of the Council; and these shall be kept as the Council directs.

**37. Assistant Secretary**

A Council may appoint some fit and proper person, not being a member of a Council, to be Assistant Secretary; and in case of the illness or absence of the Secretary, the Assistant Secretary shall act for the Secretary.

**38. Other officers and staff**

(1) A Council may appoint, in addition to its Secretary and Assistant Secretary, such other officers and staff as Warden and Overseer as may be required for the efficient administration of its affairs.

(2) Without prejudice to the generality of subsection (1), a Council may appoint officers to help preserve law, order and peace within its District and to be called Local Constables. These Local Constables shall have all the powers and privileges of Rural Constables appointed under the Police Act, Chapter 244, and as such while they are immediately answerable to the Council, they are also amenable to the jurisdiction of the Commissioner of Police:

Provided that only the Council appointing a Local Constable may dismiss him or her.

**39. Discipline of officers and staff**

Every officer and staff member of a Council—

- (a) shall perform such duties as may, from time to time, be assigned to him or her by the Council, subject to the express provisions of this Act; and
- (b) may be retired or dismissed or disciplined by the Council for just cause and after due process of law in accordance with By-laws made by the Council.

**40. Security by officers and staff**

(1) A Council may require an officer or other staff member appointed hereunder to give such security as may be thought proper for the true and faithful performance of the duties of his or her office, and for the due accounting for, paying over, and delivering up of all monies, goods and chattels which may come into his or her hands by virtue of such office.

(2) If any officer or other staff member appointed by a Council, shall directly or indirectly have any pecuniary interest in any agreement or contract which shall be entered into by the Council or any matter affecting the Council, the officer or other staff member shall report the circumstances of such pecuniary interest to the Council through the Chairperson thereof as soon as practicable after he or she becomes aware of his or her having such interest; and in default of his or her so reporting he or she shall be guilty of an offence against this Act and be liable to dismissal from the service of the Council.

**41. Accounts of officers and other workers**

(1) Every officer or other staff member appointed by a Council shall, at such times during the continuance of his or her office, and within ten days after his or her ceasing to hold it, and in such manner as the Council may direct, deliver to the Council a true account in writing of all matters committed to his or her charge and of his or her receipts and payments, with vouchers, and a list of persons from whom money is due under this Act in connection with his or her office, showing the amount due from each.

(2) Every officer or other staff member shall pay to the Accountant-General all monies due from him or her to the Council.

(3) If any officer or other staff member—

- (a) refuses or wilfully neglects to deliver any account or list which he or she ought to deliver or any voucher relating thereto, or to make any payment which he or she ought to make; or
- (b) after three days' notice in writing signed by the Chairperson and delivered to him or her or left at his or her usual or last known place of abode, refuses or wilfully neglects to deliver to the Council, or as they may direct, anything whatsoever which he or she ought to deliver or to give satisfaction respecting it to the Council, or as they may direct,

the Magistrate of the District may, on the complaint of the Chairperson or any member or other person specifically authorised by the Council, by summary order require him or her to make delivery or payment or to give satisfaction, and if he or she shall fail to make delivery or payment, or to give satisfaction, he or she shall be guilty of an offence against this Act.

(4) Nothing in this section shall affect any remedy by action against any officer or other staff member or his or her surety, except that the officer or other staff member or his or her surety shall not be both sued by action and proceeded against summarily for the same cause.

**42. Purchase by officer or other staff of property sold for taxes prohibited**

No officer or other staff member of a Council may purchase, either directly or indirectly, or by the intervention of a trustee or otherwise, any property sold by or on behalf of that Council for the payment of rates or taxes, and every purchase of the kind shall be to all intents and purposes absolutely null and void; but nothing herein contained shall prevent an officer from purchasing at any sale aforesaid, property which it may be

necessary for him or her to purchase in order to protect the interest of himself or herself, his or her wife or his or her child.

## PART VIII

### *Powers and Functions of Councils*

#### **43. Amenities Council may provide**

(1) A District Council is hereby authorised to take decisions and implement measures in relation to its District for—

- (a) promoting social welfare;
- (b) preventing and extinguishing fires;
- (c) establishing, maintaining and regulating agricultural markets, animal slaughter-houses, meat-markets and fish-markets;
- (d) lighting public places including public streets;
- (e) establishing, maintaining and regulating public bathing-places, public washing-places and public toilets;
- (f) cleaning public streets: provided that the Central Government shall be responsible for the disposal of refuse so collected;
- (g) establishing and up-keeping public cemeteries, and regulating other cemeteries and places for the disposal of dead human remains;
- (h) maintaining district and side roads;
- (i) erecting and maintaining bus-stops, bus-stop shelters and street signs;
- (j) establishing and maintaining community playgrounds, other recreational facilities, and community centres;
- (k) establishing and maintaining day-care centres; and
- (l) granting to children who or any of whose parents reside in the District scholarships to enable them to attend any institution of learning owned wholly or partly by the Government of Grenada.

(2) Where a public market exists at the commencement of this Act within the jurisdiction of a District Council, that Council shall have the sole management, control and care of that market, and shall maintain and keep the same in good condition and may enclose the same with proper railings and gates, and may drain, level, lay out, ornament or otherwise improve the same, and erect and maintain buildings and also do all such works and things as may be requisite for the use of the same as a public market, subject to any relevant town and country or other planning legislation.

#### **44. Council dealing in lands**

(1) A District Council may request the appropriate authorities under the Land Acquisition Act, Chapter 159, to acquire under that Act lands reasonably required by the Council for purposes of the Council for which such acquisition is permitted, and if such appropriate authorities agree such authorities may invoke the provisions of that Act.

(2) Subject to subsection (5) a District Council may in relation to its authorised powers purchase, accept as a gift, take on lease or mortgage any lands or other immovable property:

Provided that such transaction shall be in the name of and for the benefit of the Council.

(3) Subject to subsection (5) a District Council may sell, lease out, or exchange its surplus lands or other immovable property at the best price obtainable on the open market.

(4) Subject to subsection (1) no document by which a District Council takes on lease, leases out, exchanges, purchases, sells or mortgages land or otherwise deals in land or other property for valuable consideration shall be valid unless it is signed by the Chairperson and another elected member of the Council specifically authorised by the Council in a resolution to sign that particular document.

(5) No Council may exercise any of the powers vested in it by subsection (2) or (3) without in each case obtaining the prior written approval of the Minister.

#### **45. Council may fix fees and other charges**

A District Council may as it sees fit from time to time fix fees, dues, stallages, rents, tolls or other charges for the use of any of its market-places, slaughter-houses, bathing-places, washing-places, toilets, cemeteries, recreational facilities, community centres, day-care centres or other amenities referred to in section 43 of this Act.

#### **46. Power of Council to make By-laws**

(1) In relation to the matters and the District regarding which a Council may take action, that Council may from time to time make By-laws and alter, rescind or replace such By-laws.

(2) Every By-law not inconsistent with the provisions of this Act, and not repugnant to any other Act of Parliament in force in the State, shall have force and effect of law when approved by the Minister and published in the *Gazette*:

Provided that it shall be lawful for the Minister by order to be published in a similar manner, to revoke the approval of any By-laws, in which case such By-law shall thereupon cease to have force and effect.

(3) Every By-law shall be under the seal of the Council making it and signed by the Chairperson and the Secretary.

(4) Every By-law shall be printed and exhibited in a prominent public place in the District to which it applies, and shall be kept in the office of the Council making it where it shall be open to the inspection of the public at all reasonable hours.

#### **47. Penalties regarding By-laws**

(1) By-laws made under section 46 of this Act may impose a penalty for the breach of any such By-law, and may also impose different penalties in the case of successive breaches but no such penalty shall exceed five hundred dollars.

(2) Every person who wilfully forges, counterfeits or alters, or causes to be forged, counterfeited or altered, any licence under any By-law made under this Act, shall be guilty of a misdemeanour, and on conviction thereof by a Magistrate shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

## PART IX

*Financial Provisions***48. Sources of revenues of Councils**

(1) Subject to sections 49 to 52 of this Act, the revenues of a District Council shall be as follows—

- (a) subventions or contributions by the Central Government, however such subventions or contributions may be called;
- (b) donations from sources other than the Central Government, whether by gift *inter vivos*, by will or otherwise;
- (c) loans;
- (d) fees, dues, stallages, rents, tolls or other charges fixed by the Council for the use of its amenities under section 45 of this Act;
- (e) proceeds from sales, leases, rentals, mortgages, and exchanges under section 44(2) and (3) of this Act; and
- (f) rates and taxes imposed by the Council in accordance with section 52 of this Act.

**49. Central Government subventions**

The Central Government shall in each annual national budget allocate to each District Council such subvention, contribution or other grant of money as the Central Government sees fit to help enable the Council to carry out the powers and functions vested in it by this Act.

**50. Private donations**

A District Council may accept free donations of money or of money's worth from sources other than the Central Government, whether by gift *inter vivos*, by will or otherwise.

**51. Raising loans**

(1) Subject to subsection (2), a District Council may raise by way of loan any sum or sums of money for the purpose of carrying out the powers and functions vested in it by this Act.

(2) No loan may be raised by a Council under subsection (1) unless the borrowing of the specific sum to be raised is expressly authorised by a resolution of the House of Representatives specifying the terms and conditions under which such loan may be raised.

**52. Council may fix and collect rates on property**

(1) Subject to subsection (2), a Council may fix and collect rates in respect of lands and other immovable property situate within its District, to be paid by the relevant proprietor, if the incidence and scale of such rates are given the prior approval in writing of the Cabinet:

Provided that no such approval may be given to a Council before the expiry of five years from the election of that Council.

(2) A Council may collect rates fixed by the central government in respect of property situate within the District relevant to the Council on such terms and on such conditions as may be stipulated by Cabinet.

(3) Where rates fixed by a Council under subsection (1) have not been paid by the relevant proprietor, the Council, through its Secretary, may apply to the Magistrate of the District for a warrant of distress against such property for the purpose of levying the rate due, in the Form contained in the Second Schedule to this Act, and the Magistrate may, if he or she thinks fit, issue such warrant.

(4) In respect of distress proceedings under subsection (3), the fees payable for such process shall be those respectively stated in the Third and Fourth Schedules to this Act.

(5) Rates fixed by a Council under subsection (1) shall, subject to the provisions of this Act, be assessed and collected and be appealable according to the method prescribed for the assessment and collection of and appeal against house and land tax under such Act as may be passed by Parliament from time to time to regulate rates and taxes imposed by local government authorities.

### **53. Permitted areas of expenditure**

(1) The revenues received by a District Council under this Act shall, subject to subsection (3), be applied towards payment of expenses incurred by the Council, its committees, officers and other staff in carrying out the powers and functions vested in the Council by this Act and more particularly referred to in Part VIII.

(2) Without prejudice to the generality of subsection (1), the revenues received by a District Council under this Act shall, subject to subsections (3) and (4), be applied towards payment of—

- (a) such remuneration, superannuation and gratuities as the Council shall from time to time fix for its officers and other staff;
- (b) such remuneration as the Council shall from time to time fix for its Councillors including its Chairperson;
- (c) such allowances as the Council shall from time to time fix for its Chairperson in addition to his or her remuneration;
- (d) expenses involved in prosecuting persons offending against this Act or By-laws or regulations made thereunder;
- (e) money payable by the Council by order of any Court of Law.

(3) The remuneration, superannuation, gratuities and allowances referred to in subsection (1) shall be fixed at reasonable levels, and for this purpose the Chairmen of the Councils will meet collectively with the Minister at meetings arranged by the Minister, and the Minister in consultation with the Chairmen shall fix such reasonable levels.

(4) No sum of money shall be paid as remuneration, allowance, gratuity, superannuation or any such other facility under this Act to Councillors, officers, other staff or other persons referred to in subsection (2) unless such sum has previously been approved in writing by Cabinet.

### **53A. Estimates need approval by House of Representatives**

Every District Council shall, on or before the 30th day of September in each year, prepare and submit to the Minister an estimate of the income receivable and the expenditure to be incurred during the financial year commencing on the 1st day of January next following, and the Minister shall submit the same to the Cabinet and the House of Representatives, which may approve, with or without amendments, or disapprove the same; and no further sums shall be expended in any year thereafter than as provided in such estimates, unless the same shall have been included in supplemental estimates of income and expenditure to be from time to time submitted to the Minister and similarly approved:

Provided also that a Council may at any time during the year authorise a saving under any head or sub-head of recurrent expenditure in such estimates to be applied to meet an excess under another head or sub-head of recurrent expenditure, if Cabinet and the House of Representatives so approve.

#### **54. District Fund**

(1) All monies payable to a District Council by individuals or bodies other than the Central Government shall be paid to the Accountant-General at the District Revenue Office designated for the purpose by the Minister by order; and the Accountant-General shall place such monies in a fund for the credit of the Council to be called the District Fund which Fund shall be kept in a Bank operating in the State.

(2) Monies payable to a District Council by the Central Government shall be transferred by the Accountant-General from the Consolidated Fund to the District Fund as soon as possible after a particular sum is requested for a specific purpose on a requisition signed by the Secretary of the Council and counter-signed by the Chairperson of the Council.

(3) No sum of money may be withdrawn from the District Fund of a Council unless the withdrawal of that particular sum is specifically authorised by a resolution of the Council and certified by the Secretary of the Council and counter-signed by the Chairperson of the Council.

#### **55. Form of yearly accounts**

(1) The accounts of the receipts and expenditure of every District Council shall be made up to the end of each financial year, which financial year shall be twelve (12) months commencing on the 1st day of January and ending on the 31st day of December, and shall be in the form for the time being prescribed by the Accountant-General.

(2) One copy of the accounts of a District Fund shall be kept at the District Revenue Office designated for the purpose by the Minister by order and another copy thereof shall be kept at the District Council Office.

(3) All books, forms and other stationery necessary to be kept or used for the proper conduct of the accounts of a Council shall be provided by and at the expense of the Council.

#### **56. Inspection of books and accounts**

(1) Any member of a District Council or the Secretary of the Council or the Accountant-General or the Director of Audit or the Commissioner or any person authorised in writing by either of them may at any reasonable time call for, inspect, examine, and make extracts from the Council's books, documents, plans, charts, vouchers and accounts.

(2) Any person who, having custody of any of the books, documents, plans, charts, vouchers or accounts mentioned in subsection (1), refuses or neglects, on demand made by any person mentioned in subsection (1), to produce them for inspection or to allow extracts to be made therefrom if desired, shall be guilty of an offence against this Act.

#### **57. Auditing accounts of District Fund**

(1) The annual accounts of every District Council shall be audited by the Director of Audit within four (4) months of the year to which those accounts relate.

(2) The Director of Audit shall provide the Minister with the audit of the accounts of a District Council within one (1) month of the completion of audit of those accounts by the Director of Audit and the Minister shall cause such audited accounts to be laid before the Houses of Parliament within two (2) months of his or her receipt of same from the Director of Audit.

### PART X

#### *Legal Proceedings*

#### **58. Making false declaration or oath**

Any person who, being required by this Act to sign any statement in writing or sign any written declaration or swear any oath or make any affirmation or regarding his or her qualification for or entitlement to any post of District Councillor or any office of employment with a District Council, wilfully and knowingly signs and delivers a false statement in writing or a false written declaration or swears a false oath or makes a false affirmation, shall be guilty of an offence and on conviction thereof on indictment shall be liable to a fine not exceeding three thousand dollars (\$3,000.00) or to imprisonment for three years or to both such fine and imprisonment.

#### **59. Giving false evidence**

Every person who, on any examination upon oath or affirmation under any of the provisions of this Act, wilfully and corruptly gives false evidence, shall be guilty of an offence, and on conviction thereof on indictment shall be liable to a fine not exceeding three thousand dollars (\$3,000.00) or to imprisonment for three years or to both such fine and imprisonment.

#### **60. Failure to quit land or building of a local authority**

Where a person occupies, without permission, any land or building owned by or under the control of a local authority, he or she shall quit the land or building on being required so to do by the local authority, and if he or she fails so to do, he or she shall be guilty of an offence and on conviction thereof by a Magistrate shall be liable to a fine not exceeding two hundred dollars (\$200.00) or to imprisonment for one month to both such fine and imprisonment.

#### **61. Failure of occupier to assist in carrying out this Act**

(1) Where the occupier of any land or building refuses to permit the proprietor thereof to execute any work on or in relation to the land or building which the proprietor desires to execute in order that he or she might be able to obey or to carry into effect any of the provisions of this Act or any order or regulation or By-law made hereunder, the proprietor

may make a complaint against the occupier, and on the hearing of such complaint the court may make an order, in the form of the Fifth schedule to this Act, directing the defendant as occupier to permit the complainant as proprietor to execute the work as aforesaid.

(2) Where an occupier fails to comply with an order made under subsection (1), he or she shall be guilty of an offence and on conviction thereof by a Magistrate shall be liable to a penalty not exceeding fifty dollars (\$50.00) for every day while the non-compliance continues, but he or she shall not be liable to any penalty for any day before the expiration of three days after the date of the order.

## **62. Penalty for failure of occupier to assist in carrying out this Act**

Where the occupier of any land or building in a District when requested by or on behalf of the local authority under section 61 to state the name of the proprietor of the land or building, refuses or wilfully omits to disclose, or wilfully mis-states, the name of the proprietor, he or she shall be guilty of an offence and on conviction thereof by a Magistrate shall be liable to a fine not exceeding three hundred dollars (\$300.00) or to imprisonment not exceeding three months or to both such fine and imprisonment.

## **63. Damaging document**

Every person who wilfully damages, destroys, defaces, or otherwise injures, in any manner, any list, notice, appraisal, estimate or other document posted up under the provisions of this Act or under any order, regulation or By-law made hereunder, in any local authority area, shall be guilty of an offence and on conviction thereof by a Magistrate shall be liable to a fine not exceeding three hundred dollars (\$300.00) or to imprisonment not exceeding three months or to both such fine and imprisonment.

## **64. Wilfully damaging works of local authority**

Every person who wilfully damages any works or property owned by or under the control of any local authority shall be guilty of an offence and on conviction thereof by a Magistrate, where no other penalty is provided by this Act, shall be liable to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment not exceeding three months or to both such fine and imprisonment.

## **65. Miscellaneous offences**

(1) Every person who—

- (a) obstructs or prevents the execution of any of the provisions of this Act;
- (b) assaults, resists, or obstructs the Commissioner, or any member or officer or other staff of a District Council in the performance of his or her duty;
- (c) obstructs, or places any obstruction on, any road, street, or bridge, for which a District Council has responsibility;
- (d) removes or destroys any barrier placed on a road, street or bridge in any District by the District Council or any person authorised by the Council; or
- (e) unauthorisedly leaves open or unlocks a gate to property owned or controlled by a District Council and as a result causes damage or loss to the Council,

shall be guilty of an offence and on conviction thereof by a Magistrate shall be liable to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment not exceeding three months, or to both such fine and imprisonment.

(2) Every person who, not being a member of a local government authority, persists in disturbing or interfering with a meeting of that authority or a committee thereof, contrary to section 86 of this Act, shall be guilty of an offence and on conviction thereof by a Magistrate shall be liable to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment not exceeding six months or to both such fine and imprisonment.

#### **66. General penal provision**

(1) Any person who commits an offence against this Act or against a By-law, order or regulation made under this Act shall, on conviction thereof by a Magistrate, unless other penalty is specifically provided for in the provision of this Act, or such By-law, order or regulation creating such offence, be liable to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment not exceeding six months, or to both such fine and imprisonment.

(2) By-laws made by a District Council under this Act and regulations or an order made by the Minister under this Act creating offences may provide that persons committing such offences shall be liable on conviction thereof by a Magistrate to a fine not exceeding one thousand five hundred dollars (\$1,500.00) or to imprisonment not exceeding six months, or to both such fine and imprisonment.

#### **67. Council representation in proceedings**

(1) A District Council may appear in proceedings before a court of law or other tribunal by any person authorised in writing signed by the Secretary and counter-signed by the Chairperson in pursuance of a resolution passed by the Council. A Council may also so appear by the Commissioner of Police or any Police Officer representing the Commissioner of Police.

(2) In any legal proceedings referred to in subsection (1), it shall not be necessary to prove any signature purporting to be that of the Secretary or Chairperson, and the burden of proof shall be upon the person disputing the fact, but the written authorisation referred to in subsection (1) shall bear the seal of the Council.

(3) The written authorisation referred to in subsection (1) may apply to legal proceedings generally or to particular legal proceedings.

#### **68. Restriction on recovery of penalties**

Proceedings for the recovery of a penalty under this Act or under By-laws or regulations or an order made under this Act shall not, unless expressly otherwise provided in this Act or such By-laws or regulations or order, be instituted or taken by any person, group or authority, other than the relevant District Council acting through a person authorised in writing under section 67 of this Act, without the consent in writing of the Attorney-General.

#### **69. Evidence of By-laws or regulations**

The production of the *Gazette* containing any By-law or regulation or order made under this Act shall, in any proceedings before a court of law or other tribunal, be sufficient evidence that such By-law, regulation or order has been made, approved, published or revoked as the case may be:

Provided that this section shall not affect an objection to the validity of such a By-law, regulation or order where such objection may be sustained on the ground of its repugnancy to this or any other Act.

**70. Proof of minutes of a District Council**

An extract minute of the proceedings of a District Council certified as a true extract minute by the Secretary and the Chairperson shall be received, without further proof, in all courts of law or other tribunals and for all other purposes whatsoever as *prima facie* evidence of such extract minute and every matter or thing contained therein.

**71. Execution of document by District Council**

Except as otherwise provided in this Act, any document requiring to be signed or executed by a District Council shall be signed or executed by both the Secretary and the Chairperson, and shall bear the seal of the Council.

**72. Notice to proprietor or occupier**

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

**73. Service of notices, orders and other documents**

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

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

**74. Service of process**

In all legal proceedings against a District Council service of process on the Secretary of the Council shall be sufficient service.

**75. Notice of action against District Council or member or officer**

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

**76. To whom penalties payable**

(1) Where proceedings for the recovery of penalties for offences against this Act or By-law or regulation or order made thereunder are brought at the instance of a District Council and fines are imposed by a court of law, those fines shall be paid over to that Council.

(2) Where proceedings for the recovery of penalties for offences against this Act or By-law or regulation or order made thereunder are brought at the instance of a person, group or authority other than a District Council and fines are imposed by a court of law,

one-half of those fines shall be paid over to such person, group or authority instituting such proceedings and the other half shall be paid over to the Council for the relevant District:

Provided that any costs awarded in such proceedings shall be payable to the person, group or authority instituting the proceedings and not to the relevant District Council unless the Court expressly orders otherwise.

#### **77. Exemption of court fees**

No court fees or stamp duties shall be payable regarding proceedings instituted before a court of law or other tribunal at the instance of a District Council.

#### **78. Protection from personal liability**

(1) No Chairperson, Deputy Chairperson, other member, officer, other staff or agent of a District Council shall be personally liable in any proceedings before any court of law or other tribunal for any action, claim, demand or other penalty whatsoever in respect of any act, matter or thing done, committed or omitted by him or her *bona fide* within his or her respective jurisdiction.

(2) Any expense incurred by a Chairperson, Deputy Chairperson, other member, officer, other staff or agent of a District Council in successfully invoking subsection (1) shall be borne by and paid out of that Council's District Fund.

(3) Nothing in this section shall be interpreted as precluding a District Council from being held liable when by subsection (1) no person may be held personally liable.

#### **79. Venue of proceedings**

All offences against this Act or By-laws or regulations or order made thereunder shall be prosecuted summarily before the Magistrate of the District in which the offence occurs unless otherwise expressly provided in this Act.

#### **80. Arbitration**

In case any dispute under this Act or By-laws or regulations or order made thereunder is referred to arbitration, such arbitration shall be governed by the Arbitration Act, Chapter 19.

### PART XI

#### *National Local Government Review*

#### **81. Establishment and composition of Review**

(1) There is hereby established the National Local Government Review (hereinafter called the Review).

(2) The Review shall comprise—

- (a) two (2) members of each District Council chosen by each respective Council;
- (b) two (2) members of the Carriacou and Petit Martinique County Council established by the Carriacou & Petit Martinique County Council Act, 1994, chosen by the said County Council;

- (c) two (2) members of the St. George's Borough Council established by the St. George's Borough Council Act, 1994, chosen by the said Borough Council;
- (d) six (6) persons chosen by the Minister;
- (e) one (1) person chosen by the Minister responsible for Community Development;
- (f) three (3) persons chosen by the Minister in accordance with the advice of non-governmental voluntary organisations servicing Community Development;
- (g) three (3) persons chosen by the Minister responsible for Youth Affairs in accordance with the advice of youth organisations.

(3) Where members of the Review are required to be chosen by persons or groups other than the Minister, or by the Minister in accordance with the advice of some other person or authority, and such choice is not made or advice not given within sixty days of being requested by the Minister in writing, the Minister may make such choice in his or her own deliberate judgement.

#### **82. Time and place of meeting of Review**

The Review shall meet at least twice every year, once in February and once in November, on such day or days and at such place as may be fixed by the Commissioner.

#### **83. Review to choose own Chairperson and Secretary**

The Review shall select its own Chairperson and Secretary from among its members.

#### **84. Role of Review**

(1) The Review shall not be a District Council and shall be empowered only to do the following—

- (a) discuss the general development of local government authorities;
- (b) provide general guidelines for the development of local government.

(2) The Review shall not have any power or right to give any instructions or directives whatsoever to any other local government authority.

(3) The Review shall, through its Chairperson, inform the Minister about its discussions, deliberations and guidelines.

#### **85. Subvention for Review**

The Review may be afforded a subvention or contribution by the Central Government to enable the Review to carry out its functions.

#### **86. Public may attend**

(1) The public may attend meetings of local government authorities or committees thereof but may not take part in, disturb or interfere with those meetings.

(2) Any member of the public who attends a meeting of a local government authority or a committee thereof and, not being a member thereof, persists in disturbing or interfering with that meeting after having previously disturbed or interfered with that meeting and warned by the person presiding at that meeting not to repeat such

misconduct, commits an offence, and is liable to be punished in accordance with section 65(2) of this Act.

### **87. Oath or affirmation of office**

Where a person is required by this Act to take and subscribe an oath or affirmation of office before assuming an office on a local government authority, he or she shall take and subscribe the following oath or affirmation of office.

#### *Oath or Affirmation of Office*

“I ..... having been duly elected/co-opted/selected to the office of Chairperson/Deputy Chairperson, elected/co-opted Councillor of the District Council of ..... for the Ward of ..... , do hereby swear (or solemnly affirm) that I am qualified to hold such office and that I will duly and faithfully fulfil the duties of such office without fear or favour, partiality or ill will, and to the best of my judgement and ability, and that in the execution of the functions of that office I will honour, uphold and preserve the Constitution and laws of Grenada.

So help me God. (To be omitted in affirmation).”

## PART XII

### *Central Government Control of Local Government Authorities*

### **88. Reprimanding local authority**

If any local government authority, in the a opinion of the Minister, seriously misconducts itself, the Minister may in writing reprimand such authority.

### **89. Dissolving or suspending a local authority or withholding grants**

(1) If any local government authority, in the opinion of the Minister, persistently makes default in the performance of the duties by law imposed upon it, or exceeds or abuses its legal powers and functions, the Minister may by order published in the *Gazette*—

- (a) *Withholding grants.*—order that financial subventions, contributions or other grants from the Central Government be withheld from that authority for a period not exceeding six (6) months;
- (b) *Suspending authority.*—suspend the authority for a period not exceeding six (6) months; or
- (c) *Dissolving authority.*—dissolve the authority.

(2) When an authority is suspended under subsection (1), all the powers and duties of the authority shall, during the suspension, be exercised and performed by such person or persons as the Minister may appoint in that behalf, and any payment made to such person or persons for his or her or their services shall be a charge upon the revenues of the authority.

(3) When an authority is dissolved under subsection (1)—

- (a) all members of the authority shall, from the date of such order, be deemed to have vacated their seats as such members; and

- (b) all the powers and duties of the authority shall, until the constitution of a new authority under this Act, be exercised and performed by such person or persons as the Minister may appoint in that behalf, and any payment made to such person or persons for his or her or their services shall be a charge upon the revenues of the authority.

(4) No order dissolving an authority under this section shall be valid unless such order provides for the constituting of a new authority to replace the dissolved authority within a period not exceeding six (6) months from the date of such order.

(5) The suspending or dissolving of an authority under this section shall be the suspending or dissolving of the membership of the authority and not that of the institution *per se* so that, notwithstanding the suspending or dissolving of an authority under this section, during such suspension or dissolution, all property and all rights vested in the authority and all obligations lawfully attaching to the authority shall continue to vest in and attach to the authority and the seal of the authority may be used by the person or persons referred to in subsections (2) and (3)(b).

#### **90. Right of local authority to be heard**

(1) The Minister may not exercise any of the powers vested in him or her by this Part against a local government authority without first—

- (a) informing the authority concerned in writing of the ground or grounds upon which he or she intends to invoke such power;
- (b) giving the authority concerned an opportunity to exercise a right to be heard by him or her in its own defence, including a right in the authority to present its case to him or her by itself or by its counsel or both by itself and by its counsel; and
- (c) giving the authority concerned a written statement of his or her reason or reasons for exercising such power:

Provided that the Minister may suspend a local government authority for not more than one month without observing the requirements of this subsection if he or she considers that a pressing emergency so requires.

(2) Any expenses incurred by an authority in retaining counsel to present its case under this section shall be borne by the authority itself.

#### **91. Commissioner of Local Government**

(1) There shall be a Commissioner of Local Government, in this Act referred to as the Commissioner.

(2) The Commissioner shall be such person as may be designated by the House of Representatives by resolution on motion by the Minister or another Minister.

(3) The Commissioner shall have and exercise such functions as may be conferred on him or her by this Act or any other Act or by the Minister in writing, but no function may be conferred on the Commissioner by the Minister inconsistently with this Act or such other Act.

(4) Subject to this Act or any other Act conferring functions on the Commissioner, he or she shall perform his or her functions in accordance with such directions, if any, as the Minister gives him or her in writing as the Minister sees fit, but no direction may be given the Commissioner by the Minister inconsistently with this Act or such other Act.

(5) The Commissioner shall prepare Annual Local Government Reports on the working of the organs of Local Government across the state, whether such organs are established by this Act or by any other Act, and such reports shall include his or her comments and recommendations for improvement of the system of Local Government. He or she shall submit such reports to the Minister and the Minister shall cause such reports to be laid before Parliament, such submission and laying to be done respectively by 30th May and 30th June of the year following the year to which such a report refers.

### PART XIII

#### *Miscellaneous, Repeal and Commencement*

#### **92. Approval to be in writing**

Any provision in this Act or By-laws or regulations or order made thereunder requiring a local government authority to obtain the approval, consent or sanction of any Minister or other authority of the Central Government before taking any action shall, unless expressly provided otherwise in this Act or such By-laws or regulations or order mean that such approval, consent or sanction must be in writing and needs to be obtained before such action is taken.

#### **93. Powers not specifically granted**

Powers not specifically granted to local government authorities by this or any other Act shall not be exercisable by such authorities.

#### **94. Minister may make regulations**

The Minister may make regulations or orders make for giving effect to and carrying out the intentions of this Act, subject as herein provided, and in particular he or she may make regulations providing for the recall of an elected Councillor by the ward which elected the Councillor.

#### **95. Repeals**

The enactments enumerated in the Sixth Schedule to this Act are hereby repealed.

#### **96. Commencement**

This Act came into force on 5th April, 1995.

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### **First Schedule**

#### DISTRICT COUNCILS ACT

*Statement of Qualification of Person Elected or Co-Opted to be a Member of the District Council of*

[Section 13.]

Qualification of A.B. of ..... elected or co-opted to be a member

*District Councils Act – Subsidiary Legislation*

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of the District Council of .....  
representing the ward of .....

*(here state qualification)*

I, A.B. of ..... do solemnly declare that the above statement is a true and correct statement of my qualification to be elected/co-opted a member of the District Council of .....

Dated this ..... day of ....., 20.....

Signed ..... A.B.

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**Second Schedule**

DISTRICT COUNCILS ACT

*Warrant of Distress*

[Section 52(3).]

*District*

To ..... and to all other rural constables.

Whereas application has been duly made to me by ..... in and for the District Council of the District of ..... for a warrant of distress against the movable property upon or in the said district, for the purpose of levying the rate of ..... due in respect of such ..... with cost, and whereas the duplicate or copy of the notice, with return of service thereof duly sworn to before me, has been produced in due form of law: This is, therefore, to require and command you to levy the said sum of ..... with costs, upon the said movable property, according to law.

Dated this ..... day of ....., 20.....

Magistrate ..... District.

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**Third Schedule**

DISTRICT COUNCILS ACT

*Fees Payable for Process of Distress*

[Section 52(4).]

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

*District Councils Act – Subsidiary Legislation*

DISTRICT COUNCILS ACT

*Fees for Execution and Sale*

[Section 52(4).]

For summation  
For service of summation

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**Fifth Schedule**

DISTRICT COUNCILS ACT

*Order to Permit Execution of Works*

[Section 61(1).]

Whereas complaint has been made to me, the undersigned magistrate for .....  
 district by A.B., proprietor, within the meaning of the District Councils Act, 1993 of a lot or  
 building (describing the situation of the lot or building); that C.D., the occupier of the said lot or  
 building, prevents the said A.B. from obeying and carrying into effect the provisions of the said  
 Act in this, to wit, that he or she, the said C.D. prevents the said A.B. from (here describe the  
 works generally according to circumstances).

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

Dated this ..... day of ....., 20.....

(Signed) .....

*Magistrate*

**Sixth Schedule**

DISTRICT COUNCILS ACT

[Section 95.]

1. The Local Government Boards (Dissolution and Interim Commissioner) Act, 1969.

**CHAPTER 83A**  
**DISTRICT COUNCILS ACT**

**SUBSIDIARY LEGISLATION**

*District Councils Act – Subsidiary Legislation*

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*No Subsidiary Legislation*

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