
Second Session Twelfth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 11 of 2022

[L.S.]

AN ACT to amend the Municipal Corporations Act, Chap. 25:04, the Burial Grounds Act, Chap. 30:50, the Cremation Act, Chap. 30:51, the Advertisements Regulation Act, Chap. 30:53, the Recreation Grounds and Pastures Act, Chap. 41:01, the Highways Act, Chap. 48:01, the Dogs Act, Chap. 67:54, the Property Taxes Act, Chap. 76:04 and the Planning and Facilitation of Development Act, No. 10 of 2014.

[Assented to 1st July, 2022]

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Miscellaneous Provisions (Local Government Reform) Act, 2022.
Commencement	2. This Act shall come into operation on such date as is fixed by the President by Proclamation.
Chap. 25:04 amended	3. The Municipal Corporations Act is amended— (a) in section 2— (i) in the definition of “Chief Executive Officer”, by deleting the words “City Clerk or Town Clerk” and substituting the words “Chief Executive Officer”; (ii) in the definition of “Commission”, by inserting after the word “Act”, the words “or the Public Service Commission established under the Constitution”; (iii) by inserting after the definition “Commission”, the following definition: “complex development” means a development that— (a) involves issues of national security; (b) involves issues of more than local importance; (c) raises significant architectural or urban design issues giving rise to substantial regional or national controversy;

-
- (d) may conflict with national policy;
 - (e) involves the interest of a foreign government;
 - (f) affects the obligations of Trinidad and Tobago under any treaty or international convention; or
 - (g) involves such other issues as the National Planning Authority thinks fit;
 - (iv) in the definition of “corporate office”, by deleting the words “or Chairman” and “or Vice-Chairman” wherever they occur;
 - (v) in the definition of “Council”, insert before the word “Council”, the word “Municipal”;
 - (vi) insert after the definition “Council”, the following new definition:
 - “ “Division” means the administrative Part of a Corporation relative to, and responsible for a particular area of activity;”;
 - (vii) in the definition of “electoral district”, by inserting after the word “Government” the words “and Tobago House of Assembly”;
 - (viii) in the definition of “Engineer”—
 - (A) in paragraph (a), by deleting the words “City Engineer or Assistant Town Engineer or Regional”; and

(B) in paragraph (c), by deleting the words “City Engineer or Town Engineer or Regional”;

(ix) in the definition of “Mayor”, by deleting the words “includes Chairman and “Deputy Mayor” means the Chairperson of a Municipal Council” and substituting the words “means a person who is the head of a Municipal Corporation”;

(x) by inserting after the definition of “house”, the following new definition:

“local highway authority” has the meaning assigned to it by the Highways Act;

(xi) in the definition of “Minister”, by deleting the words “Local Government” and substituting the words “local government”;

(xii) by inserting after the definition of “Minister”, the following new definition:

“Municipal Director of Finance” means the person for the time being holding the office of Municipal Director of Finance in a Corporation and includes—

(a) any person acting as Municipal Director of Finance;
or

-
- (b) any person performing the duties of Municipal Director of Finance in accordance with a direction by the President under section 36;
- (xiii) by inserting after the definition of “Municipality”, the following definition:
- “National Planning Authority” means the “National Planning Authority established under the Planning and Facilitation of Development Act;”;
- (xiv) in the definition of “officer”—
- (A) in paragraph (a), by deleting the word “and”;
- (B) in paragraph (b), by inserting after the word “office” the words “or employed” and by inserting after the word “;”, the words “; and”; and
- (C) by inserting after paragraph (b), the following new paragraph:
- “(c) every person employed by a Corporation in the service of the Corporation and where remuneration is paid on a daily basis;”;

Chap. 48:01

(xv) by inserting after the definition of “officer”, the following new definition:

“orphan roads” means all or part of a road or right of way that is private or unadopted, has not been classified in accordance with the Highways Act, and not maintained at the public expense;

(xvi) by deleting the definition of “reputed owner”;

(xvii) by inserting after the definition of “Returning Officer”, the following new definition:

“simple development” means a development for which an application is made for—

(a) billboards or advertising signs;

(b) outline or final planning permission not requiring a Certificate of Environmental Clearance;

(c) change of use, residential or building developments or any additions thereto where the cumulative floor area with additions, if any, does not exceed a gross floor area of five hundred square metres; and

-
- (d) land subdivisions, including engineering operations comprising no more than twenty plots, provided that each plot falls within the range of four hundred and sixty-five square metres and eight hundred square metres inclusive.”;
- (xviii) in the definition of “street”, by inserting after the word “square,” the words “park,”;
- (xix) in the definition of “street repairable by a Corporation”, by deleting the words “Local Highway Authority” and substituting the words “local highway authority”; and
- (xx) by deleting the definitions of “Treasurer” and “valuation”;
- (b) in section 5(1), by inserting after paragraph (d), the following new paragraph:
“(da) the Borough of Chaguanas;”;
- (c) in section 11—
- (i) in subsection (2), by inserting after the word “Government” the words “and Tobago House of Assembly”;
- (ii) by deleting subsection (3);
- (iii) in subsection (4), by deleting—
- (A) the word “three” and substituting the word “four”; and

(B) the word “triennial” and substituting the word “quadrennial”;

(iv) by deleting subsection (6)(b) and substituting the following new paragraph:

“(b) is a Commonwealth citizen, other than a citizen of Trinidad and Tobago, and who is, and for a period of at least one year immediately preceding such date has been, a resident of Trinidad and Tobago within the meaning of section 5(1) of the Immigration Act; or

(ba) is not a Commonwealth citizen but has or will have resided in Trinidad and Tobago for a continuous period of at least five years immediately preceding such date; and

(bb) has resided for a period of at least two months immediately preceding the qualifying date in that electoral district or, but for the circumstances entitling him to vote by post, would have been resident in that electoral district immediately before proceeding out of Trinidad and Tobago;”;

-
- (v) in subsection (7), by inserting after the word “Government” the words “and Tobago House of Assembly”;
 - (vi) in subsection (8)—
 - (A) in paragraph (i), by deleting the words “; and” and substituting the word “;”;
 - (B) in paragraph (j), by deleting the word “.”; and
 - (C) by inserting after paragraph (k), the following new paragraph:
 - “(l) has been convicted of an offence which carries a penalty of five years or more.”;

(d) in section 12—

- (i) in subsection (1), by deleting the words “, Aldermen shall be persons who qualify to be Councillors and who possess” and substituting the words, “An Alderman shall be a person who qualifies to be a Councillor and who possesses”;
- (ii) by repealing subsection (3) ; and
- (iii) in subsection (5), by deleting the words “three years and they shall retire in the last day of every triennial” and substituting the words “four years and they shall retire together on the last day of every quadrennial”;

(e) by repealing section 17 and substituting the following section:

“Remuneration of Mayor, Chairman or Alderman and Councillors 17. (1) The Mayor, Aldermen and Councillors shall be eligible for such remuneration as may be determined by the Minister with responsibility for finance in consultation with the Chief Personnel Officer.

(2) The Mayor, Aldermen and Councillors of a Corporation shall be paid out of the fund of a Corporation established under section 109.

(3) A Member of Council shall not receive any remuneration for being a member of a Committee.”;

(f) by repealing section 18;

(g) in section 21—

(i) in subsection (2), by deleting the word “honorarium” and substituting the words “remuneration and the allowances relating to the office of Mayor”;

(ii) in subsection (3), by deleting the word “honorarium” and substituting the word “remuneration”;

(iii) in subsection (4), by deleting all the words after the words “cause” and substituting the words “the Deputy Mayor shall act in his stead until a new Mayor is elected;” and

(iv) by repealing subsection (5) and substituting the following new subsection:

“ (5) Where, during any period, the Deputy Mayor is acting as Mayor under subsection (4), the Council may appoint to the office of Deputy Mayor an Alderman or Councillor who shall hold office until the date when the Deputy Mayor ceases to act as the Mayor.”;

(h) in section 22—

(i) in subsection (1), by deleting the words “four thousand dollars” and substituting the words “ten thousand dollars and shall not be eligible to offer himself for corporate office in any further Municipal election.”; and

(ii) in subsection (2), by deleting paragraph (b);

(i) in section 24(2), by inserting after the word “Councillor”, where it first occurs the words, “or Alderman”;

(j) in section 25(3), by inserting after the word “Minister”, the words “and the Elections and Boundaries Commission”;

(k) in section 27—

(i) in subsection (1)(f), by deleting the words “for being a Councillor” and substituting the words “from being a Councillor or an Alderman”; and

- (ii) in subsection (2), by deleting the word “for” and substituting the word “from”;
- (l) in section 31—
 - (i) in subsection (1)—
 - (A) by deleting the words “is guilty of an offence” and substituting with the words “commits an offence”; and
 - (B) by deleting the word “four” and substituting the word “ten”; and
 - (ii) in subsection (2), by deleting the words “is not guilty” and substitute the words “does not commit an offence”;
- (m) in section 33, by inserting after section 33, the following new sections:
 - “Councils of a Corporation

33A. A Corporation shall have a Municipal Council and an Executive Council.
 - Roles and responsibilities of Municipal Council

33B. The Municipal Council of a Corporation shall be responsible for—

 - (a) making standing orders, bylaws and regulations for the good governance of the Corporation;
 - (b) formulating broad strategies for implementation by the Executive Council of the Corporation in accordance with national policies;

-
- (c) exercising oversight over the activities of the Corporation and its Executive Council;
 - (d) debating matters pertinent to the development of the Municipality;
 - (e) representing the interest and concerns of the burgesses and citizens within the Municipality;
 - (f) bringing grievances and service delivery requests of the public to the relevant divisions of the Corporation;
 - (g) approving the budget of the Corporation for consideration by the Ministry with responsibility for finance;
 - (h) reviewing reports on the operations and activities of the Corporation;
 - (i) seeking redress on behalf of the members of the public who present legitimate claims of maladministration; and
 - (j) create and establish the organisation structure of the Corporation.

Roles and
responsibilities of the
Executive
Council

33C. The Executive Council shall be responsible for—

- (a) determining broad strategies for implementation consistent with the decision of the Council;

- (b) allocating financial and other resources to the Divisions;
- (c) collectively exercising responsibility and accountability for the effective day to day management of the Corporation;
- (d) approving plans and programmes of the Divisions;
- (e) reviewing the operations of the various divisions to ensure compliance;
- (f) coordinating the operations of the various divisions and to rationalise the divisional operations; and
- (g) reviewing the bylaws of the Corporation and other regulations for submission to the Council.

Composition
of Executive
Council of
Corporation

33D. (1) The Executive Council of a Corporation shall comprise—

- (a) the Mayor;
- (b) the Deputy Mayor;
- (c) such other Councillors or aldermen not being more than six, as shall be assigned responsibility for any of the functions of a Division of the Corporation as the Mayor may appoint; and
- (d) the Chief Executive Officer who shall be an *ex officio* member and who shall act as Secretary for the Executive Council.

(2) The Executive Council shall be comprised of not less than five members and not more than eight members.

Functions
and duties of
Executive

33E. (1) The Executive of a Council of a Corporation shall be responsible for the carrying out of the functions of the Corporation, and the Mayor may, for that purpose, undertake or assign to a Councillor or Alderman, responsibility for any such function.

(2) The Members of the Executive Council of a Corporation who have been assigned a function by the Mayor shall be known as the Secretaries of the relevant Divisions and in the exercise of their powers, shall be individually and collectively responsible to the Municipal Council of the Corporation.

(3) In the exercise of their powers, the Members of the Executive Council of a Corporation shall be individually and collectively responsible to the Municipal Council of the Corporation.

(4) Subject to subsection (3), decisions of the Executive Council of a Corporation may be implemented without the prior approval of the Municipal Council.

(5) The Executive Council of a Corporation shall continue to discharge its functions during any period that the Municipal Council of the Corporation stands dissolved.

Powers of
Members of
Executive
Council

33F. Where a Councillor or Alderman is assigned responsibility for any of the functions of a Corporation, he shall exercise general direction and control over any Division under whose responsibility such function may fall.

Executive
Council
subject to
powers of the
Ombudsman

33G. Section 93 of the Constitution applies to the Executive Council and the Divisions of a Corporation.

Corporation
to establish
organisa-
tional
structure

33H. (1) A Corporation shall establish its organisational structure in accordance with the Divisions established under section 35A and subject to the approval of the Minister.

(2) A Corporation shall with the approval of the Minister with responsibility for finance in consultation with the Minister review its organisational structure.

Municipal
Corporation
to exercise
powers under
the Public
Health
Ordinance
No 15 of 1915

33I. (1) Every Municipal Corporation shall have and exercise the powers assigned to a local authority under the Public Health Ordinance.

(2) Notwithstanding subsection (1), an officer of a Municipal Corporation exercising powers assigned under the Public Health Ordinance shall only enter private premises during the hours of 8:00 in the morning and 5:00 in the afternoon with the consent of the owner or occupier of such premises.

(3) Where the owner or occupier of premises permits entry of an officer of the Municipal Corporation onto premises, the officer shall only remove any thing from the premises with the approval of the owner or occupier.

(4) Where the owner or occupier of premises under subsection (2) refuses to allow an officer of the Municipal Corporation to enter premises to exercise his powers under the Public Health Ordinance, the Municipal Corporation shall apply to the Court for a warrant to enter, seize and remove any thing from on the premises which is authorised to be seized under the Public Health Ordinance.”;

(n) in section 34—

- (i) by renumbering section 34 as 34(1);
- (ii) in section 34(1), by deleting the words “, a Chief Public Health Inspector” and substituting the words “as provided for in section 36”; and

(iii) by inserting after section 34(1), as renumbered, the following new subsection:

“ (2) Subject to section 34A, a Corporation may—

(a) employ such persons as it considers necessary for the due performance of its functions;

(b) set the qualifications for the posts in the Corporation; and

(c) discipline or dismiss its employees.

(3) The terms and conditions of service of persons employed by the Corporation shall be set by the Chief Personnel Officer.”;

(o) by inserting after section 34, the following new sections:

“Pension rights and scheme

34A. (1) A Corporation shall provide for the establishment and maintenance of a pension scheme or arrange for membership in a scheme for its contracted, permanent and daily rated employees.

(2) Without prejudice to subsection (1), a Corporation may, under a pension scheme—

-
- (a) establish contributory superannuation schemes and establish and contribute to superannuation funds for the benefit of its employee;
 - (b) grant gratuities, pensions or superannuation allowances to the surviving spouse, families or dependents of its employee;
 - (c) enter into and carry into effect arrangements with any insurance companies or other association or company for securing for any employee or surviving spouse or dependent, such gratuities, pensions or allowances as are authorised by this section; and
 - (d) give donations or subscriptions to charitable institutions, benevolent funds and other objects calculated to benefit its employees.

Grievance
Procedure

Twelfth
Schedule

34B. The Grievance Procedures applicable to disputes shall be that set out in the Twelfth Schedule.”.

- (p) in section 35, by inserting after the word “Schedule” wherever it occurs, the words “not employed by the Corporation under section 34(2)”;

(q) by inserting after section 35, the following new sections:

<sup>“Responsibilities
of Divisions
of a
Corporation</sup> 35A. (1) Each Corporation shall establish Divisions with the following responsibilities:

- (a) corporate services;
- (b) finance, planning and allocation of resources;
- (c) internal audit;
- (d) sport and youth development;
- (e) recreation grounds and public spaces;
- (f) public health, sanitation and the environment;
- (g) spatial planning and building inspectorate;
- (h) monitoring and evaluation;
- (i) community development and social services;
- (j) municipal police;
- (k) infrastructure development and maintenance;
- (l) disaster management; and
- (m) such other divisions as the Council of the Corporation, with the approval of the Minister, determines necessary.

(2) Two or more responsibilities under subsection (1), may be carried out by one Division of the Municipal Corporation.

Division with
responsibility
for corporate
services

35B. The Division of the Corporation with responsibility for corporate services shall be responsible for—

- (a) performing human resource planning, human resource development and industrial relations;
- (b) undertaking administrative, clerical, secretarial, and manipulative support activities;
- (c) conducting registry and records management;
- (d) providing legal advice and opinions on legal matters, draft and review contractual obligations and represent the Corporation in legal proceedings;
- (e) developing and implementing Information Technology business solutions for networking, digital connectivity and e-government enabling capabilities; and
- (f) such other powers as the Council of the Corporation determines.

Division with
responsibility
for Finance,
Planning and
Allocation of
Resources

35C. The Division of the Corporation with responsibility for Finance, Planning and Allocation of Resources shall be responsible for—

- (a) assisting in strategic planning exercises, as well as monitoring the execution of strategic plans;
- (b) undertaking budgetary and financial planning;
- (c) procuring goods and services and equipment in accordance with set guidelines;
- (d) collecting and formulating and analysing data of an economic nature to facilitate economic planning and policy formulation;
- (e) keeping accurate inventory of stocks, material, machinery and equipment of the Corporation;
- (f) timely and accurate reporting on all matters of a financial nature; and
- (g) such other functions as the Council of the corporation determines.

Division with
responsibility
for
recreation
grounds,
sporting and
exercise facil-
ities and
other public
spaces

35D. (1) The Division of the Corporation with responsibility for recreation grounds, sporting and exercising facilities and other public spaces shall be responsible for—

- (a) developing, maintaining and managing recreation

grounds, sporting and exercising facilities, and other public spaces;

- (b) constructing and installing sporting and exercise facilities at recreation grounds;
- (c) developing policy for the usage and rental of recreation grounds, sporting and exercising facilities, and other public spaces; and
- (d) such other functions as the Council of the Corporation determines.

(2) For the purposes of this section, “sporting and exercising facilities” means the infrastructure designed to facilitate physical activity such as sports and fitness programmes and includes recreation grounds, with or without equipment, basketball courts, children’s recreational parks, exercise walkways and any other such facilities under the control of a Corporation.”;

Division with
responsibility
for public
health,
sanitation
and the
environment

35E. (1) The Division of the Corporation with responsibility for public health, sanitation and the environment shall be responsible for—

- (a) developing and promoting strategies for community hygiene;

- (b) ensuring the distribution of water in areas, as requested, subject to the Water and Sewerage Act;
- (c) promoting recycling initiatives;
- (d) implementing strategies for the management and control of insect vectors, rodents and other vectors;
- (e) facilitating canine control activities.
- (f) registering and inspecting the premises of food handlers, restaurants, markets and abattoirs to ensure the processing of consumable products are handled in a sanitary manner in accordance with the Public Health Ordinance;
- (g) carrying out activities for the promotion and preservation of environmental sanitation;
- (h) undertaking initiatives for health education or health within communities;
- (i) investigating public health complaints and abating of nuisances;

- (j) monitoring and maintenance of all minor and generally the local drainage within the municipality;
- (k) providing services for the removal and disposal of faecal waste subject to the Water and Sewerage Act;
- (l) establishing and managing burial grounds, crematorium and cremation sites;
- (m) the collection and disposal of household and other waste subject to the Water and Sewerage Act; and
- (n) such other functions as the Council of the Corporation determines.

(2) In developing and promoting strategies for community hygiene under subsection (1), a Municipal Corporation shall employ persons to be Litter Prevention Wardens.

Division with
responsibility
for spatial
planning and
building
inspection

35F. The Division of the Corporation with responsibility for spatial planning and building inspection shall be responsible for—

- (a) implementing strategic regional planning and

- development in alignment with national strategies, policies and plans;
- (b) developing regional and local area plans for the municipality including design strategies to guide land and resource use and development in particular locations;
 - (c) fostering integrative spatial planning within the context of share municipal boundaries as necessary;
 - (d) facilitating and encouraging commercially viable options suitable to the developmental focus of the municipality;
 - (e) conducting inspections of proposed development and construction;
 - (f) investigating complaints and enforcing planning laws and regulations;
 - (g) issuing building approvals for application for land development not more than twenty lots as well as for the construction of simple dwellings;
 - (h) carrying out activities for the project management cycle for the implementation of projects;

-
- (i) conducting research in relation to factors which affect land use;
 - (j) engaging in future based planning for sustainable use of resources, including land; and
 - (k) such other functions as the Council of the Corporation determines.

Division with
responsibility
for
monitoring
and
evaluation

35G. The Division of the Corporation with responsibility for monitoring and evaluation shall be responsible for—

- (a) participating in the preparation of the developmental plans and programmes associated with economic and social development of the municipality;
- (b) developing and establishing, monitoring and evaluating standards, systems and mechanisms for all operational areas, programme and projects;
- (c) developing and disseminating approved specifications, bench marks and performance measurement instruments in all operations;
- (d) adopting, applying and continuously developing modern and effective concepts and tools for

-
- monitoring, evaluating and reviewing developmental plans, programmes and projects;
- (e) setting the appropriate minimum acceptable performance measurement standards needed for the monitoring and evaluation of developmental plans;
- (f) developing for approval, the policies and procedures which will guarantee effective monitoring, evaluating and reviewing of developmental plans, programmes and projects;
- (g) undertaking periodic monitoring, evaluating and reviewing of plans programmes and projects to ensure that goals and standards are met;
- (h) supervising the application of these policies and regularly update them;
- (i) contributing in identifying and prioritizing the recommendation for implementation of programme agendas in cooperation with the municipal corporations and governmental institutions;

- (j) preparing progress reports on the various plans, programmes and products; and
- (k) such other functions as the Council of the Corporation determines.

Division with
responsibility
for community
development
and social
services

35H. (1) The Division of the Corporation with responsibility for Community Development and Social Services shall be responsible for—

- (a) promoting, local cultural community events and sporting activities;
- (b) facilitating social and community development;
- (c) developing and securing heritage sites within the Community;
- (d) assisting with the implementation of Central Government social policies and programmes;
- (e) facilitating local tourism;
- (f) facilitating interaction with communities through community outreach programmes; and
- (g) such other functions as the Council of the Corporation determines.

(2) For the purposes of this section—

“facilitating social and community development” means creating opportunities for people oriented development that is focused on building communities; and

“local cultural community event” means an event which relates to a form of the performing arts, festivals, rituals and customs celebrated by a group belonging to or restricted to a particular area or region of Trinidad and Tobago.

35I. The Division of the Corporation with responsibility for infrastructure development and maintenance shall be responsible for—

- (a) maintaining all offices and buildings of the Corporation;
- (b) managing and maintaining the Transportation fleet and all equipment of the Corporation;

-
- (c) conducting and maintaining infrastructure within the Municipality in accordance with approved programmes;
 - (d) maintaining Government Schools and Government assisted Schools within the Municipality;
 - (e) maintaining all local roads, orphan roads or agricultural roads within the boundaries of the Municipality; and;
 - (f) such other functions as the Council of the Corporation determines.

35J. The Division of the Corporation with responsibility for disaster management shall be responsible for—

- (a) planning, co-ordinating and monitoring institutions for the prevention, mitigation, preparedness, response and post disaster recovery, taking into account all potential disaster risks;
- (b) advising the Council on the progress and constraints in disaster management and all other matters relating to the management of disaster relief operations;

-
- (c) warning the public of an imminent danger and predicting its effects;
 - (d) liaising with the Office of Disaster Preparedness;
 - (e) maintaining a data collection and dissemination system and regional strategic reserves of essential commodities and equipment for immediate disaster relief;
 - (f) formulating disaster prevention, mitigation, preparedness, response and rehabilitation strategies and action plans to meet all foreseeable requirements in consultation with Governments, non-governmental organization and donor agencies;
 - (g) preparing and updating the disaster management plans for the corporation and the supporting disaster management manual;
 - (h) taking all necessary measures in order to prevent, alleviate, contain and minimize the effects of disasters; and
 - (i) such other functions as the Council of the Corporation determines.”;

-
- (r) in section 36, in subsection (1)—
- (i) in paragraph (c), by deleting word “Treasurer” and substituting the words “Municipal Director of Finance”;
 - (ii) in paragraph (e), by deleting the word “Medical Officer of Health.” and substituting the words “Municipal Director of Health;”;
 - and
 - (iii) by inserting after paragraph (e), the following new paragraphs:
 - “(f) Municipal Planning Director;
 - (g) Municipal Social Services Director.”;
- (s) by repealing section 37 and substituting the following new section:
- “Functions of Corporation 37. (1) A Corporation shall, in relation to its municipality, be responsible for the delivery of service in respect of the matters set out in the Thirteenth Schedule.
- Thirteenth Schedule
- (2) For the better performance of its functions, a Corporation is hereby empowered to do all such acts and take all such steps as may be necessary for, or in incidental to the exercise of its powers or for the discharge of the duties and in particular a Corporation may—
- (a) devise mechanisms to ensure the protection and security of property, buildings or other assets under its control;

(b) enter into such contracts as it deems fit for the efficient discharge of its functions;

(c) obtain, subject to the approval of the Minister with responsibility for finance, from international donors any grant and of technical assistance.

(3) Notwithstanding subsection (1), the Minister may, where he determines necessary in the public interest, take responsibility for the delivery of services in respect of the matters set out in the Thirteenth Schedule.

(4) A Municipal Corporation may hold quarterly meetings with its burgesses to inform of the performance of the Corporation during the quarter and to clear the concern of the burgesses.”;

(t) by renumbering section 38 as 38(1) and in section 38(1), as renumbered, in paragraph (e) by inserting after the words “responsible for”, the words “, in collaboration with the Executive Council, the day to day operations of the Corporation and”;

(u) by inserting after section 38(1), as renumbered, the following new subsections:

“ (2) In performing the functions above, the Chief Executive Officer shall act under the supervision and direction of the Mayor of the Council.

-
- (3) All Chief Officers and officers and employees of a Corporation shall take direction and report directly to the Chief Executive Officer of that Corporation.”;
- (v) in section 39, in paragraph (c) insert after the word “;”, the word “and”;
- (w) in section 40—
- (i) by deleting the word “Treasurer” and substituting the words “Municipal Director of Finance”;
 - (ii) in paragraph (a), by inserting after the word “be” the words “the head of the Finance, Planning and Allocation of Resources Unit and be”;
- (x) in section 42—
- (i) by deleting the words “Medical Officer of Health” and substituting the words “Municipal Director of Health”; and
 - (ii) in paragraph (d), deleting the word “Treasurer” and substituting the words “Municipal Director of Finance”;
- (y) by inserting after section 42, the following section:
- “Notification of occupational disease 42A. (1) Where the Municipal Director of Health or any medical and health officer employed with a Municipal Corporation, having attended to a patient, forms the opinion that the patient is suffering from an occupational

disease contracted in any industrial establishment or in the course of his employment, he shall within forty-eight hours of having formed that opinion, send to the Chief Medical Officer of the Ministry with responsibility for health, a notice stating the disease from which the Municipal Director of Health or the medical and health officer, as the case may be, is of the opinion that the patient is suffering and the industrial establishment in which the patient is and was last employed.

(2) The Chief Medical Officer shall send forthwith to the Chief Inspector any notice that he receives under subsection (1).

(3) For the purposes of this section, “occupational disease” and “Chief Inspector” have their respective meanings assigned under section 4 of the

Chap. 88:08

Occupational Safety Health Act.”;

(z) in section 43—

(i) by renumbering section 43 as section 43 (1); and

(ii) in section 43(1), as renumbered, by deleting the words “any Medical Officer of Health” and “such Medical Director of Health” wherever they occur and substituting the words “the Municipal Director of Health”; and

(iii) by inserting after section 43(1), as renumbered, the following new subsection:

“ (2) A Municipal Director of Health shall, in implementing the functions set out in section 42, have the power to—

(a) enter, inspect, take photographs of and examine at all reasonable times, either alone or together with such other person as authorized by the Chief Executive Officer in writing and with the consent of the owner or occupier, any premises which he has reasonable cause to believe are premises to which this Act applies;

(b) to make such examination and enquiry as may be necessary to ascertain whether this Act is being complied with;

- (c) to conduct such medical examinations or tests as may be necessary for the purpose of this Act;
- (d) to take photographs for the purpose of investigation; and
- (e) to exercise such other powers as may be necessary for the purpose of this Act.

(3) A Municipal Director of Health or his authorized representative, in the discharge of his duties under this Act, is empowered to require of an occupier the means necessary for entry, inspection, examination, inquiry and the taking of samples in respect of premises to which this Act applies.

- (4) A person who—
- (a) wilfully delays a Municipal Director of Health in the exercise of any power under this section; or

(b) conceals or presents,
or attempts to
conceal or prevent,
a person from
appearing before or
being examined by
an inspector,

is deemed to have
obstructed an inspector in
the execution of his duties
under this Act.

(5) A person who
obstructs a Municipal
Director of Health in the
execution of his powers or
duties under this Act,
commits an offence and
is liable on summary
conviction to a fine of two
thousand dollars and to
imprisonment for a term of
three months.

(6) No personal liability
shall attach to a Municipal
Director of Health or his
authorised representative
for any act or omission done
or omitted to be done in
good faith in the course of
discharging their duties
under this Act.”;

(aa) insert after section 43, the following new
section:

<sup>“Insect Vector
Control</sup> 43A. A Municipal Corporation
shall, in conjunction with the
Insect Vector Control Division of
the Ministry with responsibility

for Health, be responsible for implementation of the Insect Vector Control in a Municipal Corporation in accordance with standards developed by the Chief Medical Officer.

Requirement
to report
infectious
diseases

43B. Where an infectious disease is identified by a Municipal Director of Health or his designate as occurring in the Municipality, the Municipal Director of Health shall report the occurrence immediately or within twenty-four hours to the Chief Medical Officer of the Ministry with responsibility for health.

Standards to
be approved
by Chief
Medical
Officer

43C. All standards in respect of public health matters shall be approved by the Chief Medical Officer prior to implementation by a Municipal Corporation.”;

- (ab) in section 44(2), by deleting the word “Treasurer” and substituting the words “Municipal Director of Finance”;
- (ac) in section 48—
 - (i) in subsection (1), by inserting after the words “Corporation and the” the words “Public Service Commission and the Statutory Authorities Services Commission”; and
 - (ii) by repealing subsection (4);
- (ad) in section 60, by inserting before the word “Commission”, wherever it occurs, the words “Public Service Commission and Statutory Authorities Services”;
- (ae) in section 62(1), by deleting the words “or within such period as the Minister may approve”;

-
- (af) in section 63(1), by deleting the words “or other periodic statutory meeting approved by the Minister under section 62(1)” and substituting the words “meetings”;
- (ag) in section 65, by inserting after the words “per cent” the words “plus one”;
- (ah) in section 67—
- (i) in subsection (1), by deleting all the words after the words “two-thirds of all members” and substituting the word “.”; and
 - (ii) by inserting after subsection (1), the following new subsections:
 - “ (1A) At a meeting of a Council, no motion passed within the preceding six months, and no motion to the same effect as any motion which has been negative by the Council within the preceding six months shall be considered.
 - (1B) No motion under subsection (1A) shall be passed except upon the vote of a majority of at least two-thirds of members present and voting thereon.”;
- (ai) in section 68—
- (i) in subsection (1), by deleting the word “committees” wherever it occurs and substituting the words “Standing Committees”;
 - (ii) in subsections (2) and (3), by deleting the word “committee”

wherever it occurs and substituting the words “Standing Committee”; and

- (iii) in subsection (5), by deleting the word “Committee” wherever it occurs and substituting the words “Standing Committee”;

(aj) in section 69—

- (i) in subsection (1), by deleting all the words after the word “appoint” and substituting the words—

“Standing Committees, not being more than eight in number, in relation to the following matters:

- (a) the Infrastructural Development and Maintenance;
- (b) the Public Health Sanitation and the Environment;
- (c) the Finance, Economic Planning and Allocation of Resources;
- (d) Audit;
- (e) the Community Development Social Services;
- (f) the Sports and Youth Development;
- (g) Recreation Grounds and Public Spaces;
- (h) the Spatial Planning and Building Inspectorate;

-
- (i) Disaster Management;
and
- (j) the Corporate
Services.”;
- (ii) by inserting after subsection (2),
the following new subsections:
- “ (3) The Chairman of each
Standing Committee shall
be appointed by the Mayor
and shall be a member of
the Executive Council
assigned a portfolio of
responsibility for any
functions of a Corporation.
- (4) Every Corporation
shall establish an Audit
Committee which shall be
responsible for providing
independent assurance and
advice to the Council in the
following areas:
- (a) risk management;
(b) internal controls;
(c) financial state-
ments;
(d) compliance require-
ments;
(e) internal audit;
(f) external audit;
and
(g) other relevant
functions, including
review of a
Corporation’s
g o v e r n a n c e

arrangement,
performance
framework;
relevant
parliamentary
committee
reports and
recommendation
and portfolio
responsibilities.

(5) The Audit Committee
under subsection (4) shall
comprise—

- (a) two members
appointed by the
Mayor;
- (b) one member
nominated from
the minority
members and,
where there is no
minority member,
one member
appointed by the
Mayor; and
- (c) two members
from civil society
or one from civil
society and one
from the Central
Audit Unit of the
Ministry of
Finance appointed
by the Mayor and
who shall meet
the requirements
of subsection (7)

and play an advisory or monitoring role on the committee.

(6) The quorum for the Audit Committee shall be three members one of whom shall, where available, be a member of the opposition.

(7) Members of the Audit Committee appointed under subsection (5)(c) shall—

- (a) possess at least five years of accounting, auditing, financial or risk management expertise;
- (b) satisfy the fit and proper criteria and be independent as required by the Trinidad and Tobago Corporate Governance Code; and
- (c) be remunerated to such amounts as determined by Council.

(8) The Chairperson of the Audit Committee shall be one of the members of the Audit Committee appointed under subsection (5)(c).

(9) The Audit Committee shall report to the Mayor of the Corporation.”.

(ak) by inserting after section 75, the following Part and sections:

“PART V

PROPERTY TAX

Interpreta-
tion

76. In this Part—

No.18 of 2009

“Act” means the Property Tax Act, 2009;

“taxes” means taxes on assessed land liable to be paid under the Act;

“residential land” means—

(a) vacant or unoccupied lands with or without a building which is intended to be used or is capable of being used by reason of its location for residential purposes;

(b) land that has affixed to it, a building or other dwelling which has the physical characteristics that enable it to be occupied or capable of occupation as a residence or for residential occupation and is used and occupied on a permanent basis as a single dwelling

accommodation and includes complementary outbuildings; and

(c) boat houses.

Board to forward taxpayer information

77. (1) The Board of Inland Revenue shall forward to each Municipal Corporation the names, addresses and assessed taxes of all taxpayers for residential land within the respective municipalities for the purpose of collection of the property taxes under section 78.

(2) Where information is forwarded to a Municipal Corporation for the purpose of the collection of property taxes in relation to residential land, the Municipal Corporation, the Council of the Municipal Corporation and staff of the Municipal Corporation shall keep such information confidential and shall not disclose such information unless authorized to do so under this Act.

(3) A person who contravenes subsection (2) commits an offence and is liable—

(a) on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for a term of twenty years; and

(b) on conviction on indictment, to a fine of one hundred and fifty thousand dollars and to imprisonment for thirty years.

Municipal Corporation to collect residential land-property taxes

78. (1) A Municipal Corporation shall be responsible for the collection of property taxes in relation to residential land within its Municipality.

(2) Where a Municipal Corporation collects property taxes on residential land in its Municipality, it shall retain such taxes in its Corporation Fund established under section 109.

Municipal Corporation required to keep account of taxes collected

79. (1) A Municipal Corporation shall keep accounts for all property taxes on residential land in its Municipality collected under section 77 and all taxpayers in its Municipality who fail to pay the assessed taxes required to be paid in any assessed period.

(2) A Municipal Corporation shall, within twenty-one days from the date on which taxes are due to be paid, forward a record of the information on all taxpayers within its Municipality who failed to pay property taxes on any residential land in its Municipality in an assessed period to the Board of Inland Revenue.

Municipal
Corporations
to comply
with all
security
requirements
of the Board
of Inland
Revenue

80. The Chief Executive Officer of a Municipal Corporation shall ensure the Municipal Corporation complies with all security requirements of the Board of Inland Revenue applicable thereto and to take any oath of secrecy required to be taken by persons employed by the Inland Revenue Department.

Appeals to be
dealt with
under the
Property Tax
Act

81. Appeals from property taxes shall be dealt with under the Property Tax Act.”;

(a) in section 108—

(i) in subsection (1), by deleting all the words after the words “submit to” and substituting the words—

“to the Minister with responsibility for finance for his approval, true estimates of—

(a) capital expenditure and the financing thereof; and

(b) an income and expenditure budget,

for the financial year commencing on the 1st October next following and the Minister with responsibility for finance may make such amendments thereto as he may consider expedient.”;

-
- (ii) in subsections (3) and (5), by inserting after the words “Minister”, wherever it occurs, the words “with responsibility for finance”; and
- (iii) by inserting after subsection (5), the following new subsection:
- “ (6) Where estimates have been approved for use of a Corporation for a particular year and the Corporation is in receipt of sums collected from Property Taxes for use by the Corporation, the sums shall be off-set from releases due to the Corporation for that year.”;
- (am) in section 109, by repealing subsection (1) and substituting the following new subsections—
- “ (1) There is established for every Corporation a Statutory Fund to be known by its corporate name (hereinafter referred to as a “Corporation Fund”).
- (1A) The moneys of a Corporation Fund under subsection (1) shall comprise of—
- (a) appropriations by Parliament from the Consolidated Fund;
- (b) revenue from fees, charges and fines and taxes, including property taxes collected and distributed in accordance with the Property Tax Act;

-
- (c) sums borrowed by the Corporation for the purpose of meeting of any of its obligations or discharging any of its functions;
 - (d) such sums as are provided by foreign States, international organisations, multi-lateral or bi-lateral lending agencies, corporations or private institutions for the exercise of any functions of the Corporation;
 - (e) sums received by or owed to the Corporation in respect of—
 - (i) the performance of the functions or the exercise of its powers; or
 - (ii) interest or loans made to employees;
 - (f) taxes received by the Corporation under section 78; and
 - (g) such other sums or property which may, in any manner became payable to, or vested in, the Corporation in respect of any matter incidental to its functions.

(1B) Neither the receipts, earnings, nor accruals of a Corporation Fund established or deemed to have been established in terms of this section, nor the balances of the amounts in a Corporation Fund at the close of each financial year, shall be paid into the Consolidated Fund, but shall be retained for the purposes of the Corporation Fund.”;

(an) in section 111, deleting the word “Treasurer” and substituting the words “Municipal Director of Finance.”;

(ao) in section 112—

(i) in subsection (1)—

(A) in paragraph (d), by inserting after the words “footways,” the words “parks,”;

(B) by deleting paragraph (e) and substituting the following new paragraph:

“(e) the maintenance of the pitch walk, rails and benches around all parks and savannahs within Municipalities.”;

(C) in paragraph (f), by inserting after the word “cemeteries”, the words “, cremation sites”;

(D) in paragraph (i), by deleting the word “and”;

(E) by inserting after paragraph (i), the following

new paragraphs:

“(j) disaster management;

(k) any expenses incurred performing any of the functions for which the Corporation is responsible under this Act; and”;

(F) in paragraph (j), by inserting after the word “Minister” the words with responsibility for finance.”; and

(ii) in subsection (2)—

(A) by inserting after the word “Minister”, the words “with responsibility for finance”; and

(B) by deleting all the words after the words “towards the erection of buildings”;

(ap) in section 113—

(i) by repealing subsection (1) and substituting the following new subsection:

“(1) Every Corporation shall—

(a) keep its accounts in a form, having regard to its annual estimates; and

(b) have an accounting framework,

as approved by the Minister with responsibility for finance.”;

(ii) in subsection (3), by inserting after the word “Minister”, the words “with responsibility for finance”;

(iii) by inserting after subsection (3), the following new subsections:

“ (3A) A Corporation may, on the advice of the Auditor General, retain the services of an external auditor.

(3B) Nothing in this section precludes the Auditor General or an auditor engaged by a Corporation from performing a management or comprehensive audit of the activities of the corporation.”; and

(aq) in section 115, by deleting the word “Treasurer”, wherever it occurs, and substituting the words “Municipal Director of Finance”;

(ar) in section 116—

(i) in subsection (1), by deleting the words “with the approval of the Minister”; and

(ii) by inserting after subsection (1), the following new subsection:

“(1A) The officers authorized to sign cheques under subsection (1) shall be approved by the Minister with responsibility for finance.”;

-
- (as) in section 117, by inserting after the words “resolution”, the words “and in keeping with the Exchequer and Audit Act”;
- (at) in section 118—
- (i) in subsection (2), by deleting the words “Every Treasurer” and substituting the words “The Municipal Director of Finance of a Corporation”; and
 - (ii) by inserting after subsection (3), the following new subsection:

“(4) The officers authorized to sign vouchers under subsection (3) shall be approved by the Minister with responsibility for finance.”;
- (au) in section 119—
- (i) in subsection (1), by deleting the word “may” and substituting the words “shall, where it wishes to borrow money,”; and
 - (ii) in subsection (8), by deleting the words “Member of the Cabinet” and substituting the word “Minister”;
- (av) in section 120, by inserting after the word “Minister”, the words “with responsibility for finance”;
- (aw) in section 121(11), by inserting after the word “one”, the word “hundred”;
- (ax) in section 122(3), by deleting the word “four” and substituting the words “one hundred”;

(ay) by inserting after section 123, the following new section:

“Act No. 1 of
2015 to apply 123A. The Public Procurement and Disposal of Public Property Act, shall apply to all Municipal Corporations.”;

(az) in section 124(1), in the definition of “street”, insert after the word “footway” the word “park”;

(ba) by inserting after section 124, the following new section:

“Applications
for
developments 124A. (1) A Corporation shall where it receives an applications to develop land (hereinafter referred to as “development application”), in accordance with section 32 of the Planning and Facilitation of Development Act, from all persons wishing to develop land within a municipality determine—

Act No. 10
of 2014

(a) whether the development plan is for a simple development or a complex development;

(b) if the simple development meets the requirements of the Planning and Facilitation of Development Act and Regulations made thereunder for the granting of permission to develop land.

(2) In making a determination under subsection (1), the Corporation shall take into consideration the matters set out in the Planning and Facilitation of Development Act and Regulations made thereunder.

(3) Where a Corporation determines that a development application under this section is for a complex development, it shall refer the application to the Minister with responsibility for planning and development of land through the Planning Authority in accordance with section 48 of the Planning and Facilitation of Development Act.”.

(bb) in section 125(2), by deleting the words “is guilty of” and substituting the words “commits”;

(bc) in section 126(3), by deleting the words “is (without prejudice to any other liability he thereby incurs) guilty of” and substituting the words “commits”;

(bd) in section 160, by inserting after subsection (3), the following new subsection:

“(4) This section shall remain in force until such time as regulations relating to buildings and streets are made under the Planning and Facilitation of Development Act, 2014.”;

(be) in section 187—

(i) in subsection (1), in the definition of “marketable commodity”, by deleting the words “, drugs”; and

-
- (ii) by repealing subsection (2);
- (bf) in section 197—
- (i) in subsection (2), by deleting the words “City or Borough” and substituting the word “Municipality”;
 - (ii) in subsection (3), by deleting the word “two” and substituting the word “five”; and
 - (iii) in subsection (4), by deleting—
 - (A) the words “is guilty” of and substituting the words “commits”; and
 - (B) the words “two” and substituting the word “four”;
- (bg) in section 199—
- (i) in subsection (3), by deleting the word “two” and substituting the words “four”; and
 - (ii) in subsection (4), by deleting the word “one” and substituting the words “two”;
- (bh) by inserting after section 199, the following new section—
- “Prohibition on sale of drugs within a market 199A. No person may sell or offer for sale any drug within a public market.”;
- (bi) in section 200—
- (i) in subsection (2), by deleting the word “one” and substituting the word “two”; and
 - (ii) by inserting after subsection (2), the following new subsection:

“ (2A) Subsection (1) shall not apply to persons who sell, or offer for sale, any—

(a) fresh or frozen meat or fish; or

(b) marketable commodity not being meat or fish,

in any place approved by the National Agricultural Marketing and Development Corporation or any facility managed by or on behalf of the Ministry with responsibility for fisheries.”;

(bj) in section 202(3), by deleting—

(i) the words “is guilty of” and substituting the words “commits; and

(ii) the word “two” and substituting the word “four”;

(bk) in section 206—

(i) in subsection (1), by deleting the words “City or Borough” and substituting the word “Municipality”; and

(ii) in subsection (3), by deleting the words “five hundred” and substituting the words “one thousand”;

(bl) in section 207—

(i) in subsection (1), by inserting after the word “Council” where it occurs last, the words “or a private slaughter house registered by the Ministry of Health”;

-
- (ii) in subsection (3), by deleting the words “local authority” and substituting the words “Municipal Corporation in a private slaughter house registered by the Ministry of Health”; and
 - (iii) in subsection (7), by deleting the words “five hundred” and substituting the words “one thousand”;
- (*bm*) in the heading for Part IX, by inserting before the word “Pedlar”, the words “Vendor,”;
- (*bn*) in section 210—
- (i) in subsection (1), by—
 - (A) inserting before the word “pedlar”, wherever it occurs, the words “vendor,”; and
 - (B) by deleting the words “specified in the Twelfth Schedule hereto” and substituting the words “as prescribed by the Minister with responsibility for finance, by Order”;
- (*bo*) in section 211(2), by deleting the words “the Thirteenth Schedule” and substituting the words “an Order made by the Minister with responsibility for finance”;
- (*bp*) in section 213, by deleting the “the Thirteenth Schedule;” and substituting the words “an Order made under section 211(2),”;
- (*bq*) in section 215(2), by deleting the words “five hundred” and substituting the words “one thousand”;

(br) in section 217(2), by deleting the words “five hundred” and substituting the words “one thousand”;

(bs) by renumbering section 219 as 219(1) and—

(i) by inserting—

(A) before the word “pedlar”,
the words “vendor,”; and

(B) before the words “Licensed
Huckster” the words
“Licensed Vendor,”;

(ii) by inserting after section 219(1),
as renumbered, the following
new subsection:

“ (2) A person licensed
as a vendor pedlar,
hawker or travelling
huckster shall keep on
his person at all times
while he is engaged as
such his licence.”;

(bt) by renumbering section 220 as 220(1)
and inserting after section 220(1), as
renumbered, the following new subsection:

“ (2) A Municipal Police Officer
may issue fixed penalty tickets
under the Motor Vehicles and
Road Traffic (Enforcement and

Chap. 48:52 Administration) Act.”;

(bu) by inserting after section 224, the
following new section:

“Regulations 224A. The Minister may make
Regulations for—

(a) any purpose under this
Act;

-
- (b) anything required to be done under this Act; and
 - (c) which no power to make Regulations is previously provided.”;
 - (bv) in section 231(3), by deleting the words “is guilty of” and substituting the words “commits”;
 - (bw) in section 232—
 - (i) in paragraphs (c) and (d), by inserting before the word “maintenance”, the words “development,”;
 - (ii) in paragraph (f), by inserting after the word “parks,”, the words “squares,”;
 - (iii) in paragraph (h), by inserting after the words “offices,” the words “schools, sporting facilities”; and
 - (iv) in paragraph (n), by inserting after the words “of burial grounds” the words “, cremation sites”;
 - (bx) in section 233—
 - (A) in subsection (1), by deleting the words “and Tobago”;
 - (B) in subsection (2), in paragraph (c), by deleting the word “.” and substituting the word “,”; and
 - (C) by inserting after paragraph (c), the following new paragraphs:
 - “(d) to advocate and lobby, on behalf of the members who are

local government practitioners, for better terms and working conditions; and

(e) to forge relationships and collaborate with regional and international Local Government bodies to share best practices.”.

(by) in section 234(1), by deleting the words “not fewer than five nor more than nine members elected by the members of the Association from among themselves” and substituting the words “five members, including all elected Mayors that were not elected in the Committee”;

(bz) in section 253—

(i) in subsection (2)—

(A) in paragraph (g), by inserting after the word “Officer”, the words “who shall be an *ex officio* member and who shall be the Secretary to the Committee;

(B) by deleting paragraph (h); and

(C) in paragraph (i), by deleting the words “Minister upon the request of a Council appoint” and substituting the words “Council may require”;

- (ii) in subsection (4), by deleting the words “and the Secretary” and substituting the words “shall be the Secretary of the Coordinating Committee and”;
- (ca) in section 256(2), by inserting after the word “Engineer”, the words “, agent authorised by the Corporation”;
- (cb) in section 271(2), by deleting the words “two years” and substituting the words “six months”;
- (cc) by inserting after section 273, the following new section:
- “Minister
may amend
Thirteenth
Schedule
274. The Minister may, by Order subject to negative resolution, amend the Thirteenth Schedule.”;
- (cd) repeal the Eighth Schedule;
- (ce) in the Ninth Schedule, by deleting Form B; and
- (cf) by inserting after the Eleventh Schedule, the following new Schedules:

“TWELFTH SCHEDULE

(Section 34D)

DISPUTE AND GRIEVANCES PROCEDURES

Disputes and Grievances shall be handled in the following manner:

- Step 1. The aggrieved employee, with or without his Shop Steward, shall take up the matter with the Supervisor (Foreman), within two working days. Thereafter, the matter shall be heard within a period of not more than five working days and decision given within the time allocated. Either party shall have the right to refer the matter to be dealt with under Step 2.
- Step 2. If there is no settlement at Step 1, the employee and/or Union shall take up the matter with the Human

Resource Manager or his nominee, within ten working days after the expiration date at Step 1, and the matter shall be heard within fifteen working days. A decision at this Step shall be in writing and shall be given to the aggrieved employee and, where applicable, the Union not later than two working days after the expiration of the fifteen working days allocated for the hearing of the grievance.

If the matter is not heard or the decision is not given within the time allocated, either party shall have the right to refer the matter to be dealt with under Step 3.

- Step 3. If there is no settlement at Step 2, the matter shall be referred to the Chief Executive Officer within ten working days and shall be heard within six days of being so referred. A decision at this Step shall be given in writing to the aggrieved worker, and where applicable, the Union not later than seven working days after the expiration of the six weeks allocated for the hearing of the grievance.

If the matter is not heard or the decision is not given within the time allocated either party shall have the right to refer the matter to the Minister of Labour.

- Step 4. If there is no settlement at Step 3, the matter shall be referred to the Minister of Labour under the Industrial Relations Act, Chap. 88:01 or the Ministry of Labour for conciliation.

DISCIPLINARY CODE

1.1 Discipline:

1. In all cases of disciplinary action, the employee concerned or, where applicable, the Union may exercise the right of appeal under the Grievance Procedure.
2. In the case of dismissal, the aggrieved employee or Union shall commence representation at Step 4.

1.2. Reinstatement:

Where a worker had been exonerated at a hearing or as a result of subsequent representation, he shall be reinstated without loss of full pay.

2.0. Disciplinary Code:

2.1 A warning notice may be given to the employee by his supervisor. Such notice shall be in writing and shall state clearly and precisely the nature of the offence. A copy of the notice shall be given to the employee's Shop Steward or the Union.

2.2 Provided that within a period of six months from the date of issue of the said notice, the employee has not been the subject of disciplinary action resulting from a charge proven against him, such notice shall cease to have effect and shall thereupon be removed immediately from the official records of the worker.

2.3 Where an offence is alleged to have been committed and disciplinary action is contemplated against a worker, prior to instituting an inquiry into the matter, the Employer shall notify the employee in writing of the charge and shall state clearly and precisely the breach complained of and shall also advise the worker of the time and place of the inquiry and name of the Officer by whom, it is to be heard. At such time the employee shall be entitled to be represented by his Shop Steward and/or other Union Officials and to call witnesses on his behalf.

2.4 The employer shall not arbitrarily dismiss or discipline an employee (Warning excluded) prior to the completion of the process at 2.3.

2.5 The charged employee shall be informed, in writing, of the decision and a copy of such decision shall be given to the Union. Decision resulting in dismissal shall state clearly and precisely the offence necessitating such dismissal.

2.6 Where a worker has been exonerated at a hearing or as a result of subsequent representation, he shall be reinstated without loss of pay.

2.7 A Supervisory officer may suspend a worker pending the hearing of a charge in cases where the circumstances or nature of the offence warrants it, but suspension as a form of punishment arising from disciplinary action shall not be exercised by officers lower in rank than that of a Head of Division or officer of equal status.

2.8 In the case of a permanent worker, such a suspension shall be on half-pay.

2.9 Dismissal as a form of punishment shall not be exercised by an officer of lower rank than that of Head of Division or officer of equal status.

2.10 Dismissal shall be in writing, stating clearly and precisely the offences necessitating such dismissal.

2.11 In all cases of disciplinary action, the aggrieved employee and/or the Union shall have the right of appeal under the Grievance Procedure.

THIRTEENTH SCHEDULE

(Section 37A)

AREAS OF RESPONSIBILITY OF A MUNICIPAL CORPORATION

- (a) Construction and maintenance of local roads, orphan roads and agricultural roads and bridges;
- (b) Construction and maintenance of minor drains and minor water courses;
- (c) Local health, food inspection, general sanitation, rodent control, vector control and canine control;
- (d) Garbage collection and disposal;
- (e) Development and maintenance of recreational grounds parks and public spaces;
- (f) Development and maintenance of cemeteries, crematorium and cremation sites;
- (g) Markets and abattoirs;
- (h) Disaster management;
- (i) Building inspectorate and municipal spatial planning;
- (j) Collection and disposal of faecal waste;
- (k) Distribution of truck borne water;
- (l) Local economic development;
- (m) Ensuring a clean environment within a municipality;
- (n) Repairs and maintenance of Government and Government assisted Schools; and
- (o) Promotion of local tourism, sports and culture.”.

4. The Burial Grounds Act is amended—

(a) in section 4—

- (i) in subsection (1), by deleting all the words after the word “private”; and

Chap. 30:50
amended

- (ii) by repealing subsection (2);
- (b) in section 5, by deleting all the words after the word “Minister” and substituting the words “shall be under the charge of the Corporation of the Municipality in which it is situated.”;
- (c) by inserting after section 8, the following new section:

“Penalties
under
regulations
Chap. 3:01

9. Notwithstanding section 63 of the Interpretation Act, where Regulations made under this Act provide for offences, the Regulations may prescribe penalties up to a fine of ten thousand dollars and to imprisonment for a term of one year.”;

- (d) in the Public Burial Grounds Regulations—

- (i) in regulation 2—

- (A) in the definition of “public burial ground”, by deleting all the words after the word “Act”;
- (B) in the definition of “Chief Executive Officer”, by deleting the word “County” and substituting the word “Municipality”;
- (C) by deleting the definition “County Council” and substituting the following definition:

“Corporation” means
any one of the
Municipal
Corporations

constituted under
the Municipal
Corporations
Act.”; and

Chap. 25:04

(D) in subregulation (2), by deleting the words “-ward” and by deleting the word “County” and substituting the words “Municipal Corporation”;

(ii) by revoking regulation 3 and substituting the following new regulation:

“Plan of
burial
grounds

3. (1) Each Corporation shall be furnished with a plan of every public burial ground within its Municipality.

(2) Each public burial ground shall—

(a) have a distinguishing name to be recorded on such plan;

(b) be enclosed in such manner as the Minister may direct; and

(c) be open daily from daylight to dusk.”;

(iii) in regulation 4—

(A) in subregulation (2), by deleting the words

“County Council” and substituting the word “Corporation”;

(B) in subregulation (3), by deleting the words “County Council may also, in their” and substituting the words “Corporation may also, in its”;

(iv) in regulation 5, by deleting the words “County Council” and substituting the word “Corporation”;

(v) by renumbering regulation 6 as regulation 6(1) and inserting before the words “The Keeper”, the words “(2)”;

(vi) in regulation 8, by deleting the words “County Council” and substituting the word “Corporation”;

(vii) in regulation 9, by deleting the words “guilty of an infringement of these Regulations and liable to a fine of seventy-five dollars” and substituting the words “commits an offence and is liable to a fine of five thousand dollars and to imprisonment for a term of nine months”;

(viii) in regulations 12(6) and (7), by inserting after the words “Medical Officer of Health” the words “or “Municipal Director of Health”;

-
- (ix) in regulation 13, by deleting the words “guilty of an infringement of these Regulations and liable to a fine of seventy-five dollars” and substituting the words “commits an offence and is liable to a fine of five thousand dollars and to imprisonment for a term of nine months”;
 - (x) in regulation 15, by deleting the word “5.00”, “2.00”, “15.00”, “24.00” and “10.00” and substituting the words “45.00”, “72.00”, “30.00”;
 - (xi) in regulation 16, by deleting the words “guilty of an infringement of these Regulations and liable to a fine of seventy-five dollars” and substituting the words “commits an offence and is liable to a fine of five thousand dollars and to imprisonment for a term of nine months”;
 - (xii) in regulation 18(1), by deleting the words “guilty of an offence against these Regulations and is liable on summary conviction to a fine of forty dollars” and substituting the words “commits an offence and is liable to a fine of five thousand dollars and to imprisonment for a term of nine months”;
 - (xiii) in regulation 19, by—
 - (A) renumbering regulation 19 as regulation 19(1);

-
- (B) in regulation 19(1), as renumbered, by deleting all the words after the word “order”; and
 - (C) inserting after regulation 19(1), as renumbered, the following new subregulation:
 - “ (2) If any Keeper under subregulation (1) knowingly and wilfully allow any contravention of these Regulations he commits an offence is liable to a fine of five thousand dollars and to imprisonment for a term of nine months.”;
- (xiv) in regulation 20—
- (A) by renumbering regulation 20 as regulation 20(1);
 - (B) in regulation 20(1), as renumbered, by deleting the word “County Council” and substituting the word “Corporation” and by deleting all the words after the words “Regulations.”; and
 - (C) by inserting after regulation 20(1), as renumbered, the following new subregulation:
 - “ (2) The Corporation under subregulation (1) may issue such

instructions thereon
as they may think
necessary or desirable.”;
and

(xv) in regulation 21—

(A) by renumbering regulation 21 as regulation 21(1);

(B) in regulation 21(1), as renumbered, by deleting all the words after “the Clerk of the” and substituting the word “Corporation”; and

(C) by inserting after regulation 21(1), as renumbered, the following new subregulation:

“ (2) The Corporation or the appropriate Committee thereof shall consider the representation and the Corporation shall give such instructions to the Chief Executive Officer as it thinks necessary or desirable.” ; and

(e) in the Rural Districts Private Burial Grounds Regulations—

(i) in regulation 2—

(A) by renumbering regulation 2 as regulation 2(1);

(B) in regulation 2(1), as renumbered, by deleting all the words after the

word “officer of the” and substituting the word “Corporation”; and

- (C) by inserting after regulation 2(1), as renumbered, the following new subregulation:

“ (2) An application under subregulation (1) shall contain detailed particulars of the situation of the proposed burial ground, its area, boundaries and relations to dwellings and shall be accompanied by a plan of the parcel of land to be used as a private burial ground.”;

- (ii) in regulation 4—

- (A) by renumbering regulation 4 as regulation 4(1);
- (B) in regulation 4(1), as renumbered, by deleting all the words after the words “his County” and substituting the words “his Municipality”; and
- (C) by inserting after regulation 4(1), as renumbered, the following new subregulation:

“ (2) The register shall be in the following form:

“MUNICIPALITY

No	Owner	Area and boundaries	Exact situation of burial ground	Date licensed by Minister	Remarks. Date of discontinuance of burials ordered by Minister”

(g) in regulation 5, by deleting the word “County” and substituting the word “Municipality”;

(h) in regulation 7—

(A) by deleting all the words after the word “therein.”; and

(B) by inserting after subregulation 7, the following new subregulation:

“ (1A) A notification under subregulation (1) shall be accompanied by a certificate of the Registrar of the district in which the death occurred, referred to in section 31 of the Births and Deaths Registration Act.”; and

(i) in regulation 13, by deleting the words “conviction to a fine not exceeding one hundred dollars” and substituting the words “summary conviction to a fine of five thousand dollars and to imprisonment for a term of nine months”; and

- (f) in the Offences in Burial Grounds (San Fernando) Regulations in regulation 7, by deleting the words “shall be liable to a fine of one hundred dollars or in default, to imprisonment for one month” and substituting the words “commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for a term of nine months.”.

Chap. 30:51
amended

5. The Cremation Act is amended—

- (a) in section 2, in the definition of “Burial Authority”, by deleting the words “City or Borough or County” and substituting the word “Corporation”;
- (b) by inserting in the appropriate alphabetical sequence, the following definition:

“Corporation” means any one of the Municipal Corporations constituted under the Municipal Corporations Act; and”;

Chap. 25:04

- (c) in the Cremation Regulations-
- (i) in regulation (2), by deleting the definition of “local authority”;
- (ii) in regulation 4, by deleting the—
- (A) words “District Medical Officer of Health” and substituting the words “Municipal Director of Health”; and
- (B) word “county” and substituting the word “Municipality”;
- (iii) in regulation 10(2), by deleting the words “local authority” and substituting the word “Corporation”;

-
- (iv) in regulation 20(3), by deleting the words “the local authority” and substituting the words “a Corporation”; and
- (d) in regulation 21, by deleting the words “local authority” and substituting the word “Corporation”.
6. The Advertisements Regulations Act is amended—Chap. 35:53 amended
- (a) in section 4, by—
- (i) deleting the words “a City or Borough, the City or Borough Council, and elsewhere the County Council” and substituting the words “Municipality, the Council of the Municipal Corporation”; and
- (ii) deleting the words “City or Borough Council or County Council, as the case may be” and substituting the words “Council of the Municipal Corporation”;
- (b) in section 5, by repealing subsections (2) and (3);
- (c) in section 6—
- (i) by deleting the words “For a City or Borough, the City or Borough Council may make Bye-laws, and for other parts of Trinidad and Tobago, the Minister may, subject to affirmative resolution of Parliament, make Regulations-” and substituting the words “The Council of a Municipal Corporation or the Tobago House of Assembly may make Bye-laws-” ; and

-
- (ii) in paragraph (b), by deleting the words “City or Borough Council or by a County Council” and substituting the words “Council of the Municipal Corporation”;
 - (d) in section 7, by deleting the words “County Council” wherever they occur and substituting the words “Municipal Corporation or Tobago House of Assembly”;
 - (e) in section 8, by deleting the words “City or Borough Council or County Council” wherever they occur and substituting the words “Council of the Municipal Corporation”;
 - (f) in section 9(2)—
 - (i) by deleting the word “City or Borough” and substituting the words “Municipality or Tobago”; and
 - (ii) by deleting the words “local authority concerned” and substituting the words “Municipal Corporation concerned or the Tobago House of Assembly”;
 - (g) in the Advertisements and Hoarding Regulations—
 - (i) in regulation 2—
 - (A) in the definition of “Chief Executive Officer” by deleting the words “County Council” and substituting the words “Municipal Corporation”; and
 - (B) by deleting the definition of “County Council”; and

(C) by inserting the following definition in the appropriate alphabetical sequence:

“Municipal Corporation”
means any one
of the Municipal
C o r p o r a t i o n s
constituted under
the Municipal
Corporations Act; Chap. 25:04
and in whose
electoral district
a hoarding or
advertisement is
erected or exhibited
respectively or
intended to be
erected or exhibited.”;

(ii) by deleting the words “County Council” in regulations 5, 6, 8, 9, 14 and 15, wherever they occur, and substituting the words “Municipal Corporation”; and

(iii) by revoking regulation 17;

(h) in the Port-of-Spain Advertisements and Hoarding Bye-laws—

(i) in bye-law 2, by deleting the definition of “the Council” and substituting the following definition:

“Corporation” means the
Port-of-Spain Municipal
Corporation;”;

(ii) in the Second Schedule, by deleting the words “City Council” and substituting the word “Corporation”; and

-
- (iii) by deleting the word “Council”, wherever it occurs, and substituting the word “Corporation”;
 - (i) in the Arima Advertisements and Hoarding Bye-laws-
 - (i) in bye-law 2, by deleting the definition of “the Council” and substituting the following definition:
 - “Corporation” means the Arima Municipal Corporation.”; and
 - (ii) by deleting the word “Council”, wherever it occurs, and substituting the word “Corporation”; and
 - (j) in the San Fernando Advertisements and Hoarding Bye-laws—
 - (i) in bye-law 2, by deleting the definition of “the Council” and substituting the following definition:
 - “Corporation” means the San Fernando Municipal Corporation.”; and
 - (ii) by deleting the word “Council”, wherever it occurs, and substituting the word “Corporation”.

7. The Recreation Grounds and Pastures Act is amended in the Recreation Grounds Rules in—

- (a) rule 2—
 - (i) in sub-rule (1), by deleting the words “County which, for the

-
- purposes of these Rules includes Tobago” and substituting the words “Municipal Corporation and the Tobago House of Assembly”;
- (ii) in sub-rule (2), by deleting the word “County” and substituting the words “Municipal Corporation or the Tobago House of Assembly”;
- (iii) in sub-rule (3), by—
- (A) deleting the word “County” and substituting the words “Municipal Corporation or the Tobago House of Assembly”; and
- (B) in paragraphs (c) and (e) by deleting the word “County” and substituting the words “Municipal Corporation or the Tobago House of Assembly”; and
- (iv) in sub-rule (4), by deleting the word “County” and substituting the words “Municipal Corporation or the Tobago House of Assembly”;
- (b) in rule 3(1), by deleting the word “County” and substituting the words “Municipal Corporation or the Tobago House of Assembly”;
- (c) in rule 5(g), (h), (i), (j) and (q), by deleting the word “County” and substituting the words “Municipal Corporation or the Tobago House of Assembly”; and
- (d) by revoking rule 7.

Chap. 48:01
amended

8. The Highways Act is amended in—

(a) section 2(4)—

- (i) in the definition of “Council” by deleting paragraph (b);
- (ii) by deleting the definition of “county”;
- (iii) in the definition of “engineer”, by deleting all the words after the word “means” and substituting the words “an engineer as defined in the Municipal Corporations Act or any subordinate officer designated for specific purposes relating to highways;”; and
- (iv) in the definition of “local authority”, by deleting the words “, a county council” and substituting the words “Municipal Corporation”;

(b) section 6—

- (i) in subsection (2), by deleting the word “streets” and substituting the words “local roads, streets and developmental roads”; and
- (ii) in subsection (3)—
 - (A) by deleting the words “county council” and substituting the words “Council of a Municipal Corporation”;
 - (B) by deleting the word “county” and substituting the words “Municipality”; and

-
- (C) by deleting the words “municipal council” and substituting the words “Council of a Municipal Corporation”;
- (c) section 7, by deleting all the words after the words “that road” and substituting the words “is the Municipal Corporation of the municipality where the road is situated.”;
- (d) section 14 in—
- (i) subsection (4), by deleting the words “council of the municipality, or as the case may be, to the council of the county” and substituting the words “Municipal Corporation”; and
- (ii) subsection (6), by deleting the words—
- (A) “municipal council or, as the case may be, with the county council” and substituting the words “Municipal Corporation”; and
- (B) “councils as mentioned above” and substituting the words “Municipal Corporation”;
- (e) section 33(3), by deleting the words “county council or the council” and substituting the words “Municipal Corporation”;
- (f) section 39(4) in—
- (i) paragraph (a), by deleting the words “municipal council” and substituting the words “Municipal Corporation”; and

-
- (ii) paragraph (b), by deleting the words “where the authority is a county council or” and substituting the words “in relation to”;
 - (g) section 55(1) and (2), by deleting the words “council of the municipality or county” and substituting the words “Municipal Council”;
 - (h) section 109(3)(i), by deleting the words “municipal or county council” and substituting the words “Municipal Council”;
 - (i) section 144(1), by deleting the word “council” and substituting the words “Municipal Council”;
 - (j) section 148—
 - (i) subsection (1), by—
 - (A) deleting the word “council”, wherever it occurs, and substituting the word “Council”; and
 - (B) deleting all the words after the word “behalf of the” and substituting the words “the Chief Executive Officer”; and
 - (ii) in subsection (2), by deleting the word “council” and substituting the word “Council”;
 - (k) in the First Schedule, in item 1(3)(b)(i) by deleting the words “council of every county or municipality, being a county or municipality” and substituting the words “Municipal Council or the Tobago House of Assembly”;

(l) in the Second Schedule, by—

- (i) deleting the words “County Council” and substituting the word “Council”; and
- (ii) deleting the word “council”, wherever it occurs, and substituting the words “Council”.

9. The Dogs Act is amended—

Chap. 67:54
amended

- (a) in section 8(5), by deleting the words “two hundred” and substituting the words “five thousand”;
- (b) in section 12, by deleting the words “is liable to a fine of one hundred dollars or to imprisonment for one month” and substituting the words “commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months.”;
- (c) in section 14, by deleting the word “twenty” and substituting the word “one thousand”; and
- (d) in section 18, by deleting the words “attach to the breach of any such Regulation, a penalty not exceeding four hundred dollars or imprisonment for one month” and substituting the words “, notwithstanding section 63 of the Interpretation Act, attach to the breach of any such Regulation, a penalty not exceeding five thousand dollars and imprisonment for nine months”.

10. The Property Taxes Act is amended—

Chap. 76:04
amended

- (a) by inserting after section 9, the following section:

“Board to
forward
relevant
assessment
Roll to
Municipal
Corporation

9A. The Board shall, where the Assessment Roll has been prepared for a year of tax relative to residential land, forward to each Municipal Corporation in

relation to its Municipality, the names, addresses and unique identifiers of the owners of land and the amount of tax so assessed thereto.”;

(b) in section 10 by—

(i) renumbering section 10 as section 10(1); and

(ii) by inserting after section 10(1), as renumbered, the following subsection:

“ (2) Notwithstanding subsection (1), tax on residential land shall be paid to the Municipal Corporation in which the residential land is located.

(3) Notwithstanding subsection (1), the Minister may, by Order, declare which of the agricultural, industrial or commercial taxes may be collected by the Municipal Corporations and what percentage of those taxes collected may be retained by the Municipal Corporation.”;

(c) by inserting after section 21, the following section:

“Appeals in
respect of
residential
land

22. Where the owner of land appeals an assessment of tax on residential land within a Municipality under this Act, the appeal and any reimbursement shall be dealt with under this Act.”;

(d) in section 30 by—

- (i) renumbering section 30 as section 30(1); and
- (ii) by inserting after section 30(1), as renumbered, the following subsection:

“ (2) Where a variation or alteration is made under subsection (1) in respect of residential land, the Board shall notify the owner of the land and the relevant Municipal Corporation and where there is an increase in the tax assessed the owner of the land shall pay the amount owed to the relevant Municipal Corporation.”.

11. The Planning and Facilitation of Development Act, ^{Act No 10 of 2014} 2014 is amended in the Fourth Schedule in the Second ^{amended} Column, in the items in relation to the Municipal Corporation Act in—

- (a) paragraph D, by deleting the words “to 165” and substituting the words “, 159, 161, 162, 164 and 165”; and
- (b) paragraph F, by deleting the words “175 to 182” and substituting the words “175 to 179,”.

Passed in the House of Representatives this 23rd day of May, 2022.



Clerk of the House

Passed in the Senate this 14th day of June, 2022.



Clerk of the Senate