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TRINIDAD AND TOBAGO

BILL ESSENTIALS

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BILL ESSENTIALS

BILL ESSENTIALS NO. 22, 2018–19

21 JUNE, 2019

The Miscellaneous Provisions (Local Government Reform) Bill, 2019

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BACKGROUND


1. **The Miscellaneous Provisions (Local Government Reform) Bill, 2019¹** (hereinafter referred to as “**the Bill**”) seeks to amend the **Municipal Corporations Act²**, the **Burial Grounds Act³**, the **Cremation Act⁴**, the **Advertisements Regulation Act⁵**, the **Recreation Grounds and Pastures Act⁶**, the **Highways Act⁷**, the **Dogs Act⁸** and the **Property Taxes Act⁹**.
2. This Bill was introduced in the House of Representatives by the Minister of Rural Development and Local Government on May 24, 2019.
3. This Bill would come into effect on the date fixed by the President for proclamation.


KEY FEATURES OF THE BILL

MUNICIPAL CORPORATIONS ACT

Interpretation

4. **Clause 3** of the Bill proposes to amend the **Municipal Corporations Act**.
5. **Paragraph (a)** seeks to amend the existing Section 2 which provides for the interpretation of certain words and phrases in the Act. The following existing definitions would be amended and new definitions introduced, *inter alia*:

 “Chief Executive Officer” - the references to the words “City Clerk or Town Clerk” would be deleted and replaced with the words “Chief Executive Officer” in reference to a person holding such office;

 “Commission” - inserting after the word “Act” the words “or the Public Service Commission established under the Constitution” to expand the existing definition which only included the Statutory Authorities Service Commission, to also now include the Public Service Commission;

¹ <http://www.ttparliament.org/publications.php?mid=28&id=840>

² **Chap 25:04:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/25.04.pdf

³ **Chap 30:50:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/30.50.pdf

⁴ **Chap 30:51:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/30.51.pdf





⁵ **Chap 35:53:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/35.53.pdf

⁶ **Chap 41:01:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/41.01.pdf

⁷ **Chap 48:01:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/48.01.pdf

⁸ **Chap 67:54:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/67.54.pdf

⁹ **Chap 76:04:** http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/76.04.pdf

-  “Complex Development” - insertion of this new definition which would require Municipal Corporations to send applications for ‘complex developments’ to the Planning Authority;
-  “Local Highway Authority” - would be given the meaning assigned to it under the Highways Act (a highway authority other than the Minister);
-  “Municipal Director of Finance” means the person for the time being holding the office of Municipal Director of Finance in a Corporation and includes any person acting as Municipal Director of Finance or any person performing the duties of Municipal Director of Finance in accordance with a direction by the President under Section 36; and
-  “National Planning Authority” - insertion of a new definition which means the National Planning Authority established under the **Planning and Facilitation of Development Act**¹⁰.

Application of Act

6. **Paragraph (b)** proposes to amend Section 5(1) by inserting after paragraph (d) the new paragraph “(da) the Borough of Chaguanas;” to include the Borough of Chaguanas in the list of areas to which the Act applies.

Councillors Representation, Term of Office and Qualification

7. **Paragraph (c)** proposes to amend Section 11 in subsections (2) and (7) by inserting after the word “Government” the words “and Tobago House of Assembly” to correct the references to both in the **Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act**.¹¹
8. This paragraph would also amend subsection (3) to vary the term of office of Councillors from three (3) years to four (4) years requiring that all Councillors would retire on the last day of every quadrennial instead of triennial.
9. Additionally, a person would be disqualified from being a Councillor where he has been convicted of an offence which carries a penalty of five (5) years or more.

¹⁰ Act No. 10 of 2014: <http://www.ttparliament.org/legislations/a2014-10.pdf/>

¹¹ Chap 25:50: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/25.50.pdf

Number, Qualification and Term of Office of Aldermen

10. **Paragraph (d)** seeks to amend Section 12 to alter the requirement for a person to qualify as an Alderman. It requires an Alderman to be a person who qualifies to be a Councillor.
11. This paragraph would also amend subsection (3) to vary the term of office of an Alderman from three (3) years to four (4) years requiring that all Aldermen would retire together on the last day of every quadrennial instead of triennial.
12. Additionally, this paragraph would also repeal subsection (3) which previously provided that in relation to Corporations other than Cities and Boroughs, at least one (1) Alderman must be elected from any person who is a member of a Village or Community Council within a Municipality.

List of Aldermen

13. **Paragraph (e)** proposes to amend Section 12A by repealing subsection (3) which previously provided that during the life of a Council, where a person on the list of Aldermen of party becomes disqualified from serving or is unable to serve as an Alderman then the party could submit the name of substitute Aldermen.

Remuneration of Mayor, Chairman or Alderman and Councillors

14. **Paragraph (f)** proposes the repeal Section 17 which previously dealt with honoraria and allowances and substitute a new Section 17 which would empower the Minister of Finance to determine the remuneration and allowances for the Mayor, Aldermen and Councillors.
15. This new section would also provide for such remuneration and allowances to be paid out of the fund that a Corporation would have established under Section 109.

Regulations prescribing allowances payable to holders of corporate office

16. **Paragraph (g)** proposes to repeal Section 18 which previously allowed the President to make regulations, subject to the negative resolution of Parliament, for the purposes of Section 17.

Deputy Mayor to act for Mayor

17. **Paragraph (h)** proposes to amend Section 21 to remove references to “honorarium” wherever it appears and replace it with the word “remuneration”.
18. This paragraph would also amend subsection (4) to allow a Deputy Mayor to act in the stead of a Mayor who dies, resigns, is removed or is disqualified, until a new Mayor is elected, rather than succeeding to the office of Mayor automatically by default.

19. Additionally, subsection (5) would be repealed and replaced with a new subsection (5) which would allow the Council to appoint an Alderman or Councillor to the office of Deputy Mayor where the Deputy Mayor is acting as Mayor and such person would hold office until the date the Deputy Mayor ceases to act as a Mayor.

Penalty refusing to accept Office

20. **Paragraph (i)** proposes to amend Section 22 by increasing the penalty from four thousand dollars (\$4,000.00) to ten thousand dollars (\$10,000.00) for any qualified person who is elected to corporate office and fails to accept the office by making and subscribing the required declaration within five (5) days after notice of the election. Such person would also be disqualified from offering himself in any future Municipal election.
21. This paragraph would also remove the exemption as contained in subsection (2) (b) for a person over the age of sixty-five (65) years, who before the day of elections, served in a corporate office, or paid a fine for non-acceptance of the office or who having served in a corporate office or different corporate officers for an aggregate period of six (6) years, who claims an exemption within five (5) days after the notice of his election.

Declaration of acceptance of Office

22. **Paragraph (j)** proposes to amend Section 24(2) to insert the words “or Alderman” after the word “Councillor” where it first occurs, which would now require an Alderman to make a declaration in prescribed form as contained in the Fourth Schedule.

Fine on resignation

23. **Paragraph (k)** proposes to amend Section 25(3) to insert the words “and the Elections and Boundaries Commission” after the word “Minister” which would now require a copy of the notice of the vacancy of a corporate office to be sent to the Minister and also the Elections and Boundaries Commission.

Vacation of Corporate Office

24. **Paragraph (l)** proposes to amend Section 27 to provide for the office of an Alderman, similar to the office of the Councillor, to be rendered vacant where the person so elected to the office ceases to possess the qualifications set out in Section 11(6) or becomes disqualified for any of the reasons set out in Section 11(8).

Penalty

25. **Paragraph (m)** proposes to amend Section 31 to provide for a person who commits the offence, rather than being guilty of the offence when they act in a corporate office without making a declaration of acceptance of office or without being qualified at the time of making the declaration or after becoming disqualified.
26. The paragraph would also amend subsection (2) which would provide that a registered elector does not commit an offence on the basis that he was not entitled to be enrolled therein.
27. Additionally, the penalty for the offence would also be increased from four thousand dollars (\$4,000.00) to ten thousand dollars (\$10,000.00).






New Clauses: 33A – 33I

28. **Paragraph (n)** proposes to insert nine (9) new clauses to establish and deal with the Corporation's Councils after the existing Section 33.

Councils of a Corporation








29. **New section 33A** would be inserted to provide for the corporation to have a Municipal Council and an Executive Council.

Roles and Responsibilities of Municipal Council

30. **New section 33B** would list the roles and responsibilities of the new Municipal Council. Such responsibilities include *inter alia*:-
 -  making standing orders, bylaws and regulations for the Corporation's good governance;
 -  formulating broad strategies for implementation by the Corporation's Executive Council in accordance with national policies;
 -  exercising oversight over the Corporation's activities and that of its Executive Council;
 -  representing burgesses and citizens interest and concerns within the Municipality;
 -  reviewing reports on the Corporation's operations and activities.





Roles and Responsibilities of the Executive Council

31. **New section 33C** would list the roles and responsibilities of the new Executive Council. Such responsibilities include *inter alia*:-

-  determining broad strategies for implementation consistent with the Council's decision;
-  allocating financial and other resources to the various divisions within the Corporation;
-  collectively exercising responsibility and accountability for the Corporation's effective daily management;
-  approving plans and programmes of the various divisions within the Corporation;
-  reviewing the operations of the various divisions within the Corporation to ensure compliance;
-  coordinating the operations of the various divisions within the Corporation;
-  reviewing the bylaws and other regulations of the Corporation to submit to the Council.

Composition of the Executive Council of the Corporation

32. **New section 33D** would establish the composition of the Executive Council of the Corporation which would comprise not less than five (5) members and not more than eight (8) members and would include the:-

-  Mayor;
-  Deputy Major;
-  other Councillors or Aldermen [not more than six (6)] which may be appointed by the Mayor and assigned responsibility for any of the functions of any of the Corporation's Divisions;
-  the Chief Executive Officer who shall be an ex officio member and shall act as Secretary for the Executive Council.

Functions and Duties of Executive

33. **New section 33E** would establish the functions and duties of the Executive Council which would include responsibility for carrying out the functions of the Corporation, which the Mayor may for that purpose, undertake or assign to a Councillor or Alderman the responsibility for such function.
34. The Members of the Executive Council of the Corporation, in exercising such powers would be individually and collectively responsible to the Corporation's Municipal Council. However, decisions of the Corporation's Executive Council may be implemented without prior approval of the Municipal Council.
35. Moreover, the Corporation's Executive Council shall continue to discharge its functions during any such period that the Corporation's Municipal Council is dissolved.

Powers of Members of the Executive Council

36. **New section 33F** would establish the powers of members of the Executive Council. Thus, where a Councillor or Alderman is assigned responsibility for any of the functions of a Corporation, he must also exercise general direction and control over any Division which responsibility for such function may fall under.

Executive Council subject to powers of the Ombudsman

37. **New section 33G** would provide for the Executive Council and various Divisions of a Corporation to be subject to the Ombudsman under Section 93 of the **Constitution of the Republic of Trinidad and Tobago**¹².

Corporation to establish Organisational Structure

38. **New section 33H** would require each Corporation to establish its organisational structure in accordance with the Divisions established under Section 35A and the Corporation can seek the approval of the Local Government Minister to review its organisational structure.

Municipal Corporation to exercise powers under the Public Health Ordinance

39. **New section 33I** would empower every Municipal Corporation to exercise the powers assigned to local authorities under the Public Health Ordinance. Officers of the Corporation in exercising such powers under the Public Health Ordinance can only enter private premises during the hours of 8 am to 5 pm with the consent of the owner or occupier of such premises. Such Officers can only remove an item from the premises with the express consent of the owner or occupier.
40. However, where the owner or occupier refuses to consent to allow such entry onto the premises to exercise the powers under the Public Health Ordinance, the Corporation is required to apply to the Court for a warrant to enter, seize and remove any item from the premises which is authorised to be seized under the Public Health Ordinance.

¹² <https://rgd.legalaffairs.gov.tt/laws2/Constitution.pdf>





Officers of a Corporation

41. **Paragraph (o)** proposes to amend Section 34 to mandate that a Corporation have a staff comprising Chief Officers only (as provided for in Section 36) and such other officers and employees as are necessary for the efficient discharge of the functions of the Council.
42. The paragraph would also insert a new subsection (2) which would give a Corporation the responsibility for employing persons that it considers necessary for the due performance of its functions, setting the qualifications for the various positions in the Corporation and the ability to discipline or dismiss its employees.
43. Additionally, the paragraph would also insert a new subsection (3) which would require the Chief Personnel Officer to set the terms and conditions of service for officers employed by the Corporation.

New Clauses: 34A & 34B

44. **Paragraph (p)** proposes to insert two (2) new clauses after the existing Section 34 to deal with the pension rights and schemes for its employees as well as the grievance procedures as set out in the Twelfth Schedule.

Pension rights and scheme

45. **New section 34A** would require a Corporation to provide for the establishment and maintenance of a pension scheme and to arrange for membership in a scheme for its employees.
46. A Corporation may under such pension scheme:-
 -  establish contributory superannuation¹³ schemes and establish and contribute to superannuation funds for the benefit of its employee;
 -  grant gratuities, pensions or superannuation allowances to surviving spouses, families or dependents of its employee;
 -  enter into arrangements with any insurance company or other association or company for securing for any employee or surviving spouse or dependent, such gratuities, pensions or allowances as authorised under this section; and
 -  give donations or subscriptions to charitable institutions, benevolent funds and other objects calculated to benefit its employees.

¹³ Regular payments made into a fund by an employee towards a future pension (**Concise Oxford English Dictionary 11th Edition**)

Grievance Procedure

47. **New section 34B** would establish the Grievance Procedures applicable to disputes which would be set out in the Twelfth Schedule.

Appointment of Officers










48. **Paragraph (q)** proposes to amend the existing Section 35 to recognise the employment of persons by the Corporation by providing that the Statutory Authorities' Service Commission established under the Statutory Authorities Act or the Public Service Commission established under Section 120 of the Constitution shall appoint, remove, transfer and exercise disciplinary control over the officers mentioned in the First and Second Schedule, that are not employed by the Corporation. This would be done by inserting after the word "Schedule" wherever it occurs the words "not employed by the Corporation under Section 34(2)"

New Clauses: 35A – 35J

49. **Paragraph (r)** proposes to insert ten (10) new clauses to establish and deal with the responsibilities of the Divisions of a Corporation after the existing Section 35.

Responsibilities of Divisions of a Corporation





50. **New section 35A** would list the responsibilities for administrative divisions of a Corporation. Such responsibilities include *inter alia*:-

-  finance, planning and allocation of resources;
-  internal audit;
-  sport and youth development;
-  recreation grounds and public spaces;
-  public health, sanitation and environmental division;
-  community development and social services;
-  municipal police;
-  disaster management; and
-  such other divisions which the Council of the Corporation, with the Minister's approval determines necessary.

51. This new clause would also allow for two (2) or more of such responsibilities to be carried out by one (1) Division of the Municipal Corporation.







Division with responsibility for Corporate Services

52. **New section 35B** would list the responsibilities of the division within the Corporation with responsibility for corporate services. Such responsibilities include *inter alia*:-

-  performing human resource planning, human resource development and industrial relations;
-  conducting registry and records management;
-  providing legal advice and opinions on legal matters, drafting and reviewing contractual obligations and also representing the Corporation in any legal proceedings; and
-  such other powers which the Council of the Corporation determines.




Division with responsibility for Finance, Planning and Allocation of Resources

53. **New section 35C** would list the responsibilities of the division within the Corporation with responsibility for finance, planning and allocation of resources. Such responsibilities include *inter alia*:-

-  assisting in strategic planning exercises, and monitoring the execution of such strategic plans;
-  undertaking budgetary and financial planning;
-  procuring goods, services and equipment in accordance with set guidelines;
-  collecting and formulating and analysing data of an economic nature to facilitate economic planning and policy formulation;
-  keeping accurate inventory of stocks, material, machinery and equipment of the Corporation;
-  such other functions which the Council of the corporation determines.












Division with responsibility for recreation grounds and public spaces

54. **New section 35D** would list the responsibilities of the division within the Corporation with responsibility for recreation grounds and public spaces. Such responsibilities include *inter alia*:-

-  developing, maintaining and managing sporting facilities, recreation grounds and public places;
-  constructing and installing sporting and exercise facilities at recreation grounds; and
-  such other functions which the Council of the Corporation determines.

Division with responsibility for public health, sanitation and the environment






55. **New section 35E** would list the responsibilities of the division within the Corporation with responsibility for public health, sanitation and the environment. Such responsibilities include *inter alia*:-



-  ensuring the distribution of water in areas requested;
-  promoting recycling initiatives;
-  implementing strategies for the management and control of insect vectors and rodents;
-  facilitating canine control activities;
-  inspecting the premises of food handlers, restaurants, markets and abattoirs to ensure the processing of consumable products are handled in a sanitary manner;
-  investigating of public health complaints and abating of nuisances;
-  monitoring and maintaining of all minor and generally the local drainage within the municipality;
-  providing services for the removal and disposal of faecal waste;
-  establishing and managing burial grounds, crematorium and cremation sites;
-  to collect and dispose of household and other waste; and
-  such other functions which the Council of the Corporation determines.

56. This new clause would also require the Municipal Corporation, in developing and promoting strategies for community hygiene, to employ persons to be Litter Prevention Wardens.

Division with responsibility for spatial planning and building inspection








57. **New section 35F** would list the responsibilities of the division within the Corporation with responsibility for spatial planning and building inspection. Such responsibilities include *inter alia*:-

-  implementing strategic regional planning and development in alignment with national strategies, policies and plans;
-  developing regional and local area plans for the municipality including design strategies to guide land and resource use and development in particular locations;
-  conducting inspection of proposed development and construction;
-  investigating complaints and enforcing planning laws and regulations;
-  issuing building approvals for application for land development not more than twenty lots as well as for the construction of simple dwellings;

-  engaging in future based planning for sustainable use of resources including land; and
-  such other functions which the Council of the Corporation determines.







Division with responsibility for monitoring and evaluation

58. **New section 35G** would list the responsibilities of the division within the Corporation with responsibility for monitoring and evaluation. Such responsibilities include *inter alia*:-

-  developing and establishing, monitoring and evaluating standards, system and mechanisms for all operational areas, programme and projects;
-  developing and disseminating approved specifications, bench marks and performance measurement instruments in all operations;
-  adopting, applying and continuously developing modern and effective concepts and tools for monitoring, evaluating and reviewing developmental plans, programmes and projects;
-  developing for approval, the policies and procedures which will guarantee effective monitoring, evaluating and reviewing of developmental plans, programmes and projects;
-  undertaking periodic monitoring, evaluating and reviewing of plans programmes and projects to ensure that goals and standards are met;
-  supervising the application of these policies and regularly updating them; and
-  such other functions which the Council of the Corporation determines.






Division with responsibility for community development and social services

59. **New section 35H** would list the responsibilities of the division within the Corporation with responsibility for community development and social services. Such responsibilities include *inter alia*:-

-  promoting, local cultural community events and sporting activities;
-  developing and securing heritage sites within the Community;
-  assisting with the implementation of Central Government social policies and programmes;
-  facilitating local tourism;
-  facilitating interaction with communities through community outreach programmes; and
-  such other functions which the Council of the Corporation determines.







Division with responsibility for infrastructure development and maintenance

60. **New section 35I** would list the responsibilities of the division within the Corporation with responsibility for infrastructure development and maintenance. Such responsibilities include *inter alia*:-

-  maintaining all offices and buildings of the Corporation;
-  managing and maintain the Transportation fleet and all equipment of the Corporation;
-  conducting and maintaining infrastructure within the Municipality in accordance with approved programmes;
-  maintaining Government Schools and Government assisted Schools within the Municipality; and
-  such other functions which the Council of the Corporation determines.

Division with responsibility for disaster management

61. **New section 35J** would list the responsibilities of the division within the Corporation with responsibility for disaster management. Such responsibilities include *inter alia*:-

-  planning, co-ordinating and monitoring institution for prevention, mitigation, preparedness, response and post disaster recovery taking into account all potential disaster risks;
-  warning the public of an imminent danger and predict its effects;
-  liaising with the Office of Disaster Preparedness;
-  formulating disaster prevention, mitigation, preparedness, response and rehabilitation strategies and action plans to meet all foreseeable requirements in consultation with Governments, nongovernmental organization and donor agencies;
-  taking all necessary measures in order to prevent, alleviate, contain and minimize the effects of disasters; and
-  such other functions which the Council of the Corporation determines.

Chief Officers

62. **Paragraph (s)** proposes to amend the existing Section 36 to delete the word “Treasurer” and substitute it with the words “Municipal Director of Finance”, delete the word “Medical Officer of Health.” and substitute it with the words “Municipal Director of Health;” and to insert after existing paragraph (e), the **new paragraph (f) Municipal Planning Director** and

new paragraph (g) Municipal Social Services Director to change the current composition of the persons comprising the Chief Officers of a Corporation.




Vacancy in office of Chief Officer

63. **Paragraph (t)** proposes to repeal the existing Section 37 which previously would have required the vacancy in the office of the Chief Officer to be reported to the Commission. It also established the requirement for such vacancy to be filled within three (3) months and failure to do so would have been reported to the President by the Mayor.
64. Accordingly, this repeal would allow the Corporations to now employ the Chief Officers.

New Clause: 37A

65. Paragraph (u) proposes to insert a new Section 37A after the previously existing Section 37 to establish the functions of the Corporation.

Functions of Corporation

66. **New section 37A** would require a Corporation, in relation to its municipality, to be responsible for the delivery of service on matters established in the Thirteenth Schedule.
67. In the performance of its functions the Corporation is permitted to do all such acts and take all steps as necessary for or incidental to, the exercise of its powers or in the discharge of such duties. Such acts of a Corporation include *inter alia*:-
-  devising mechanisms to ensure the protection and security of property, buildings or other assets under its control;
 -  enter into contracts deemed fit for the efficient discharge of its functions; and
 -  obtain from international donors any grant and or technical assistance, subject to the approval of the Minister of Finance.
68. The Minister of Finance can also take responsibility for delivery of services for matters set out in the Thirteenth Schedule or such other officer as the Chief Executive Officer may determine, if deemed necessary in the public's interest.
69. Lastly, a Municipal Corporation can also hold quarterly meetings with its burgesses to update on the Corporation's performance and to address any concerns of its burgesses.

Functions of the Chief Executive Officer

70. **Paragraph (v)** proposes to amend the existing Section 38 to insert the following words “, in collaboration with the Executive Council, the day to day operation of the Corporation and”

after the existing words “responsible for” which would expand upon the existing functions of the Chief Executive Officer the responsibility for the daily operations of the Municipal Corporation, in collaboration with the Executive Council.

Functions of the Chief Executive Officer (2)

71. **Paragraph (w)** proposes to insert after the existing Section 38 new subsections (2) and (3) which would allow for the Chief Executive Officer in performance of their functions to act under the supervision and direction of the Mayor. This new subsection would also allow for all Chief Officers and staff to report directly to the Chief Executive Officer of that Corporation or such other officer as determined by the Chief Executive Officer.

Functions of the Treasurer

72. **Paragraph (y)** proposes to amend the existing Section 40 by deleting the existing word “Treasurer” and substituting it with the words “Municipal Director of Finance” to provide for a change of title from “Treasurer” to “Municipal Director of Finance”.
73. Additionally, the clause would also provide for the “Municipal Director of Finance” to be the Head of the Finance, Planning and Allocation of Resources Unit.

Functions of the Medical Officer of Health.




74. **Paragraph (z)** proposes to amend the existing Section 42 by deleting the existing words “Medical Officer of Health” and substituting it with the words “Municipal Director of Health” to provide for a change of title from “Medical Officer of Health” to “Municipal Director of Health”.
75. Additionally, the clause would also provide for a change of title from “Treasurer” to “Municipal Director of Finance” for such persons to receive a full and proper estimate of the income receivable and expenditure incurred by the department during the financial year.

Notification of Occupational Disease

76. **Paragraph (aa)** proposes to insert a **new Section 42A** which provides that 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, issue a notice to the Chief Medical Officer of the Ministry of Health within 48 hours, stating the disease and the industrial establishment in which the patient is and was last employed.

The Municipal Director of Health

77. **Paragraph (ab)** proposes to insert five (5) new subsections under **Section 43** of the Act which will establish *inter alia*:-

-  Set out the authority and powers of the Municipal Director of Health;
-  Make it a summary offence for a person to obstruct a Municipal Director of Health in the execution of his powers and duties under the Act which carries a fine of two thousand dollars (\$2000.00) and imprisonment for a term of three (3) months; and
-  Indemnify the Municipal Director of Health from personal liability for any act or omission done or omitted in good faith in the course of discharging his duties under the Act.

Insect Vector Control and the Requirement to Report Infectious Diseases

78. **Paragraph (ac)** proposes to insert **New Sections 43A** and **43B** into the Act.

79. **New Section 43A** provides that both the Municipal Corporation and the Insect Vector Control Division of the Ministry of Health are responsible for the implementation of the Insect Vector Control in a Municipal Corporation.

80. **New Section 43B** provides that where the Municipal Director of Health identifies an infectious disease occurring in the Municipality, he must report the occurrence immediately to the Chief Medical Officer of the Ministry of Health.





Meeting and Proceedings of the Council of the Corporation

81. **Paragraph (aj)** proposes to amend the structure of **Section 67** of the Act which deals with the voting procedure at council meetings. The amendment removes the prohibition that after voting upon a question before the Council, the Council must not consider any motion passed within the preceding six months or any motion to the same effect as a motion which has been negated by the Council within the preceding six (6) months except upon the vote of a majority of at least two-thirds of members present and voting thereon, and places it under new **subsections (1A)** and **(1B)**.

Standing Committees







82. **Paragraph (al)** proposes to amend **Section 69** of the Act which will require every Council to appoint standing committees to deal with certain specified matters.

83. **Paragraph (al)** further proposes to amend **Section 69** by inserting seven (7) new subsections which will:

-  Provide for the appointment of the Chairmen of the Standing Committees;
-  Specify the responsibility of the Audit Committee of every Corporation;
-  Provide for the composition, quorum and tenure of the members of the Audit Committee; and
-  Require the Audit Committee to report to the Mayor of the Corporation.

New Part V – Property Tax

84. **Paragraph (am)** proposes to insert a **New Part V** entitled “Property Tax” into the Act. **New Part V** will consist of **6 New Sections (Sections 76 – 81)** which will:

-  Provide for the interpretation of certain terms under **New Part V**;
-  Require the Board of Inland Revenue to 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;
-  Mandate the Municipal Corporation to collect property taxes in relation to residential land within its Municipality;
-  Require the Municipal Corporation to keep accounts for all property taxes on residential land in its Municipality that it has collected and all taxpayers in its Municipality who fail to pay the assessed taxes required to be paid in any assessed period;
-  Require the Chief Executive Officer of a Municipal Corporation to ensure that the Municipal Corporation complies with all security requirements of the Board of Inland Revenue and to take any oath of secrecy required to be taken by persons employed by the Board of Inland Revenue; and
-  Provide that appeals from property taxes shall be dealt with under the Property Tax Act.



Annual Estimates

85. **Paragraph (an)** proposes to amend **Section 108** of the Act which deals with the annual estimates of a Council, so as to change the commencement of the financial year from January 1st to October 1st.
86. **Paragraph (an)** further proposes to amend **Section 108** by inserting a **new subsection (6)** which provides that 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, such sums will be off-set from releases due to the Corporation for that year.

Corporation Fund and Collection of Fees, Rates and Taxes

87. **Paragraph (ao)** proposes to amend **Section 109** by repealing **subsection (1)** and inserting new **subsections (1), (1A)** and **(1B)**.
88. **New subsection (1)** establishes a statutory fund for every corporation known as a “Corporation Fund”. **New subsection (1A)** establishes the composition of the Corporation Fund. **New subsection (1B)** provides that the receipts, earning and accruals of a Corporation Fund will not be paid into the Consolidated Fund, but will be retained for the purposes of the Corporation Fund.

Form of Accounts and Audit

89. **Paragraph (ar)** proposes to amend **Section 113** by inserting new **subsections (3A)** and **(3B)** which will:
-  Provide a Corporation with the option of retaining the services of an external auditor on the advice of the Auditor General; and
 -  Ensure that there is nothing which will preclude the Auditor General or an auditor engaged by a Corporation from performing a management or comprehensive audit of the activities of the corporation.

Disability of members through conflict of interest

90. **Paragraph (ay)** proposes to amend the existing **Section 121** to increase the existing penalty for failing to disclose any pecuniary interest, whether direct or indirect, in a contract or proposed contract or any other matter after such facts have come to light, from a fine of one thousand dollars (\$1,000.00) to one hundred thousand dollars (\$100,000.00).

Officers to declare interest in contracts

91. **Paragraph (az)** proposes to amend the existing **Section 122** to increase the penalty for failing to disclose in writing any pecuniary interest, whether direct or indirect, has been or is proposed to be entered into by the Council or a Committee thereof as soon as practicable, from a fine of four thousand dollars (\$4,000.00) to one hundred thousand dollars (\$100,000.00).

Applications for Development

92. **Paragraph (bc)** proposes to insert after the existing Section 124, a new Section 124A which would provide for the categorization of the applications for development to ensure that they

meet the requirements of the Planning and Facilitation of Development Act and Regulations for the granting of permission to develop land. The clause would provide for the reception of applications for the development of land within a municipality and the determination whether they are simple developments or complex developments. Where the Municipal Corporation determines that the development is a complex development it would refer the application to the Minister with responsibility for planning through the Planning Authority.

Continuation of existing Building Regulations

93. **Paragraph (bd)** proposes to amend Section 160 to insert a new subsection (4) which would allow the by-laws made under the old Ordinances and the Public Health Ordinance to continue in force until Regulations are made under the Planning and Facilitation of Development Act, 2014.

Markets and Slaughterhouses

94. **Paragraph (be)** proposes to amend Section 187 by removing the reference to “drugs” in the definition of “marketable commodity” and by repealing subsection (2). This amendment would allow for Pharmacies to be opened outside of a market.

Markets only in specified areas

95. **Paragraph (bf)** proposes to amend Section 197 to increase the penalty in subsection (3) from two hundred dollars (\$200.00) to five thousand dollars (\$5,000.00) and in subsection (4) from two thousand dollars (\$2,000.00) to four thousand dollars (\$4,000.00) and to remove the reference to “is guilty of an offence” and replace with a reference to “commits an offence”.

Meat and fish to be sold only in public market or licensed shop

96. **Paragraph (bg)** proposes to amend Section 199 by increasing the penalty for the breach of subsection (1) and (2) to a fines of four thousand dollars (\$4,000.00) and two thousand dollars (\$2,000.00), respectively.

Prohibition on sale of drugs within a market

97. **Paragraph (bh)** proposes to insert a new Section 199A which would prohibit the sale of drugs within a public market.

In Regional Municipalities commodities to be sold in public markets or licensed shops

98. **Paragraph (bi)** proposes to amend Section 200 to increase the penalty from one thousand dollars (\$1,000.00) to four thousand dollars (\$4,000.00). Further, by inserting after the existing subsection (2), a new subsection (2A) which would provide an exemption to subsection (1) for certain persons.

Cold stores to be licensed

99. **Paragraph (bj)** proposes to amend Section 202 by removing the reference to “is guilty of an offence” and replacing it with a reference to “commits an offence” and to increase the penalty from two thousand dollars (\$2,000.00) and the further penalty of two hundred dollars (\$200.00) for each day the offence continues to four thousand dollars (\$4,000.00) and the further penalty of four hundred dollars (\$400.00) for each day the offence continues.

Landing of fish for sale

100. **Paragraph (bk)** proposes to amend Section 206 to delete the reference to “City or Borough” and replace with the word “Municipality” to remove the limitation on landing fish for sale to now include the Municipalities. The clause would amend the fine from one thousand five hundred dollars (\$1,500.00) to one thousand dollars (\$1,000.00).

Provision of public slaughterhouses

101. **Paragraph (bl)** proposes to amend Section 207 to allow for the slaughter of animals intended for human consumption to also be done at private slaughter houses registered by the Ministry of Health. Further, the penalty in subsection (7) is increased from five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00).

Vendors, Pedlars, Hawkers and Hucksters

102. **Paragraph (bm)** proposes to amend Heading “Part IX” to include ‘VENDORS’ within the heading.

Licensee to trade as pedlar, hawker and huckster

103. **Paragraph (bn)** proposes to amend Section 210 to require a vendor to now be licensed and to allow the Minister to prescribe the merchandise, goods, provisions and things to be excluded from the prohibition.

Duration of licences

104. **Paragraph (bo)** proposes to amend Section 211 to allow the Minister to prescribe the licence fees for all licences granted under Part IX.

Alteration of fees

105. **Paragraph (bp)** proposes to amend Section 213 to amend the reference to licence fees being contained in the Thirteenth Schedule to the licence Fees prescribed by the Minister under Order.

Evidence

106. **Paragraph (bq)** proposes to amend Section 215 by increasing the the fine where a person falsely states any particulars required to be set out in any requisition submitted to a Corporation in respect of a licence from five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00).

Change of abode of licensee

107. **Paragraph (br)** proposes to amend Section 217 by increasing the the fine for failing to notify the change of address of the holder of a licence issued under Part IX from five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00).

Huckster's name to be on box, etc.

108. **Paragraph (bs)** proposes to amend Section 219 to require not only pedlars, hawkers or travelling hucksters to label the receptacles used to transport their wares but also vendors. The clause would also provide for the insertion of a new subsection (2) requiring a person to keep their license on their person at all times while engaged.

Who may lay information

109. **Paragraph (bt)** proposes to amend Section 220 by inserting a new subsection (2) to allow a Municipal Police Officer to issue tickets under the Motor Vehicles and Road Traffic (Enforcement and Administration) Act.

Additional functions

110. **Paragraph (bu)** proposes to amend Section 232 which provides for homes for the aged and child-care centres established by the Corporation, to now include a new function of

development. The clause further seeks to provide for maintenance of State property including police stations, health centres, post offices, other government buildings, schools, sporting facilities and cremation sites.

Association of Local Government Corporations

111. **Paragraph (bv)** proposes to amend Section 233 to correct a typographical error by removing the reference to “Tobago”. The clause would also provide for an insertion after paragraph (c) the following new paragraphs to include new objectives of the association: paragraph (d) to advocate and lobby on behalf of the members for better working conditions and paragraph (e) to forge relationships and collaborate with regional and international Local Government to share best practices.

Chairman and Executive Committee of Association

112. **Paragraph (bw)** proposes to amend Section 234 to provide for the members of the Executive Committee to now include a set number of five (5) members including all elected Mayors that were not elected in the Committee.

Co-ordinating Committee

113. **Paragraph (bx)** proposes to amend Section 253 to provide for the Co-ordinating Committee to comprise of such other officers of Central or Local Government and to empower the Council to include any other persons it may require. The clause would further provide for an amendment of the responsibilities of the Chief Executive Officer to include the responsibilities of the Secretary of the Co-ordinating Committee.

Power to attach conditions to consent

114. **Paragraph (by)** proposes to amend Section 256 to incorporate the power to attach conditions to consent to include the Chief Executive Officer or the Engineer, or any other officer of the corporation duly authorized in that behalf and also agents authorized by the Corporation.

Government policy directions

115. **Paragraph (bz)** proposes to insert after Section 269, a new Section 269A which would empower the Minister after consultations with the Association of Local Government Corporations of Trinidad to make Regulations.

Power of President to dissolve a Council and appoint Commissioner

116. **Paragraph (ca)** proposes to amend Section 271 to provide for an adjustment of the time to be fixed for the election of a new Council relating to the dissolution of the Council from two (2) years to six (6) months from the date of such order.

Minister may amend Thirteenth Schedule

117. **Paragraph (cb)** proposes to insert after Section 274, the new Section 275 which provides for the Minister to amend the new Thirteenth Schedule which addresses the areas of responsibilities of a Municipal Corporation, by Order and subject to the negative resolution.

Continuation of Existing Laws

118. **Paragraph (cc)** proposes to repeal the Eighth Schedule which previously provided for the continuation of existing laws for the cities of Port-of-Spain and San Fernando, the boroughs of Arima and Point Fortin and several Municipalities as well.

Removal of House—Notice by Owner of Land on which House Stood

119. **Paragraph (cd)** proposes to repeal/delete Form B in the Ninth Schedule which previously dealt with the Removal of House—Notice by Owner of Land on which House Stood under the existing Section 165(2).

Twelfth Schedule and Thirteenth Schedule

120. **Paragraph (ce)** proposes to insert the new Twelfth Schedule dealing with Dispute and Grievance Procedures and Disciplinary Codes and the new Thirteenth Schedule which addresses the Areas of Responsibility of a Municipal Corporation.

THE BURIAL GROUNDS ACT

121. **Clause 4** of the Bill proposes to amend the **Burial Grounds Act** and a number of Regulations under the Act.

Regulations

122. **Paragraph (a)** proposes to delete all the words after the word “private” in the existing Section 4 subsection (1) to remove the reference to burial grounds which are not under the charge and control of the Council of any City or Borough.

123. The paragraph also proposes to repeal the existing subsection (2) which previously allowed the Council of any City or Borough to make Regulations for the general government of burial grounds that were under their charge and control.

Burial grounds to be under charge of County Council


124. **Paragraph (b)** proposes to delete all the words after the word “Minister” and substitute it with the words “shall be under the charge of the Corporation of the Municipality in which it is situated.” to provide for all public burial grounds to be under the purview of the Municipal Corporation without any exceptions.


Penalties under Regulations


125. **Paragraph (c)** proposes to insert after Section 8 the new Section 9 which provides that in relation to Regulations which provide for offences, such Regulations may prescribe penalties up to a fine of **ten thousand dollars (\$10,000.00)** and imprisonment for a term of **one (1) year**.


Public Burial Grounds Regulations


126. **Paragraph (d)** proposes to amend Regulations 2, 3, 4, 5, 6, 8, 9, 12(6,7), 13, 15, 16, 18(1), 19, 20 and 21. Such amendments include *inter alia*:-





 Regulation 3: The revocation of the existing Regulation and substitution with a new Regulation which would require each Corporation to be furnished with a plan of every public burial ground within its Municipality;

 Regulation 9: The increasing of the existing fines and penalties for breaching these Regulations from a fine of seventy-five dollars (\$75.00) to a fine of five thousand dollars (\$5,000.00) and imprisonment for a term of nine (9) months;

 Regulation 13: The increasing of the existing fine and penalty from a fine of seventy-five dollars (\$75.00) to a fine of five thousand dollars (\$5,000.00) and imprisonment for a term of nine (9) months for any person behaving in a disruptive and disorderly manner within the precincts of a burial ground;





 Regulation 15: The increasing of the existing fees and payments for permission to open a grave and for exclusive right of burial in perpetuity and the right of constructing any chapel, vault, etc.;

 Regulation 16: The increasing of the existing fine and penalty from a fine of seventy-five dollars (\$75.00) to a fine of five thousand dollars (\$5,000.00) and imprisonment for a term of nine (9) months for opening any grave without permission;

-  Regulation 18(1): The increasing of the existing fine and penalty from a fine of forty dollars (\$40.00) to a fine of five thousand dollars (\$5,000.00) and imprisonment for a term of nine (9) months for any person responsible for an animal found wandering or tethered in a public burial ground;
-  Regulation 19: The introduction of a new subregulation (2) which provides that any Keeper who knowingly and wilfully allows any contravention of these Regulations commits an offence and would be liable to a fine of five thousand dollars (\$5,000.00) and imprisonment for a term of nine (9) months;
-  Regulation 20: The introduction of a new subregulation (2) which provides that a Corporation may issue such instructions as deemed fit;
-  Regulation 21: The introduction of a new subregulation (2) which provides that the Corporation or appropriate Committee thereof shall consider the representation and the Corporation shall give such instructions to the Chief Executive Officer as deemed fit.

Rural Districts Private Burial Grounds Regulations

127. **Paragraph (e)** proposes to amend the existing Regulations 2, 4, 5, 7 and 13. Such amendments include *inter alia*:-

-  Regulation 2: The introduction of a new subregulation (2) which provides that any application must contain detailed particulars 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;
-  Regulation 4: The introduction of a new subregulation (2) which provides for the Register to be completed in prescribed form;
-  Regulation 7: The introduction of a new subregulation (1A) which provides that a notification must be accompanied by a certificate of the Registrar of the district in which the death occurred (Section 31 of the Births and Deaths Registration Act¹⁴);
-  Regulation 13: The increasing of the existing fine and penalty for breaching these Regulations from a fine of one hundred dollars (\$100.00) to a fine of five thousand dollars (\$5,000.00) and imprisonment for a term of nine (9) months.

CREMATION ACT

128. **Clause 5** of the Bill proposes to amend the **Cremation Act** and a number of Regulations under the Act.

¹⁴ Chap 44:01: http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/44.01.pdf

ADVERTISEMENTS REGULATION ACT

129. **Clause 6** of the Bill proposes to amend the **Advertisements Regulation Act**.

Erection of hoardings by or with permission of local authority or County Council

130. **Paragraph (a)** seeks to amend Section 4 to delete the words “City or Borough, the City or Borough Council, and elsewhere, the County Council” wherever they appear and replace it with the words “Municipality, the Council of the Municipal Corporation” wherever they occur.

Exemption of advertisements on business premises

131. **Paragraph (b)** seeks to amend Section 5 to repeal the existing subsections (2) and (3) which previously dealt with the former Ordinance and which was subsequently replaced by the Municipal Corporations Act.

Bye-laws and Regulations

132. **Paragraph (c)** amends Section 6 to replace all references to “City or Borough” and replace it with the words “The Council of a Municipal Corporation or the Tobago House of Assembly may make Bye-laws”.

Exemptions of Advertisements and Hoarding Regulations

133. **Paragraph (g)** will amend the Advertisements and Hoardings Regulations to repeal the existing Regulation 17 which previously dealt with Exemptions of the application of such regulations to the City of Port-of-Spain, the City of San Fernando or to the Borough of Arima.

RECREATION GROUNDS AND PASTURES ACT

134. **Clause 7** of the Bill proposes to amend the **Recreation Grounds and Pastures Act** in the Recreation Grounds Rules/Regulations made under the Act.

135. All references to the word “County” would be removed wherever it appears in Rules 2, 3, 5 and 7 and substituted with references to the words “Municipal Corporations and the Tobago House of Assembly”.

136. Rule 7 of the Recreation Grounds Rules would be repealed which required Tobago to be deemed a County under these Rules.

HIGHWAYS ACT

137. **Clause 8** of the Bill proposes to amend the **Highways Act**.
138. All references to the word “County” and “Council” would be removed wherever it appears in Sections 2, 6, 7, 14, 33, 39, 55, 109, 144, 148 and First and Second Schedule and substituted with references to the words “Municipal Corporations” and “the Tobago House of Assembly”.

DOGS ACT

139. **Clause 9** of the Bill proposes to amend the **Dogs Act**.

Finder may take dog either to owner or to place of detention

140. **Paragraph (a)** seeks to amend the existing Section 8(5) to delete the words “two hundred” where it appears and substitute it with the words “five thousand” to increase the existing fine from two hundred dollars (\$200.00) to five thousand dollars (\$5,000.00) where the finder of any stray dog does not return the dog to its owner or does not bring it in to a detention centre.

Penalty for permitting unmuzzled dog to be at large

141. **Paragraph (b)** seeks to amend the existing Section 12 to delete the words “is liable to a fine of one hundred dollars or to imprisonment for one month” where it appears and substitute it with the words “commits an offence and is liable on summary conviction to a fine of five thousand and imprisonment for nine months.” to increase the existing fine and penalty from one hundred dollars (\$100.00) or imprisonment for one (1) month to five thousand dollars (\$5,000.00) and imprisonment for nine (9) months where any person permits any dog to wander on any highway or public place without being muzzled in the prescribed manner.

Where owner claims unmuzzled dog

142. **Paragraph (c)** seeks to amend the existing Section 14 to delete the words “twenty” where it appears and substitute it with the words “one thousand” to increase the existing fine from twenty dollars (\$20.00) to one thousand dollars (\$1,000.00) for the owner of a dog who is found at large without being muzzled in the prescribed manner.

Power to make Regulations

143. **Paragraph (d)** seeks to amend Section 18 to provide that any Breach of the Regulations made under the Act would now carry a penalty of up to five thousand dollars (\$5,000.00) and imprisonment for nine (9) months.

PROPERTY TAXES ACT

144. **Clause 10** of the Bill proposes to amend the **Property Taxes Act**.

Board to forward relevant assessment Roll to Municipal Corporation

145. **Paragraph (a)** proposes to insert a new Section 9A which would require the Board of Inland Revenue to forward the tax information to the Corporation in relation to residential land within the municipality and which identifies the owners of the land the amount of tax assessed thereto.

Assessment of Tax

146. **Paragraph (b)** proposes to insert after the existing and renumbered Section 10(1) the new subsection (2) and (3) which would require the residential taxes to be paid to the Municipal Corporation in which the residential land is located and also, the Minister of Finance may by Order declare if agricultural, industrial or commercial taxes can be collected by the Municipal Corporations and what percentages thereof can be retained.

Appeals in respect of residential land

147. **Paragraph (c)** proposes to insert a new Section 22 which provides that where there is an appeal based on an assessment of tax on residential land within a Municipality, that appeal shall be made to the Board of Inland Revenue and such appeal and reimbursement shall be dealt with under the Act.

Penalties under Regulations

148. **Paragraph (d)** proposes to insert after the existing and renumbered Section 30(1) the new subsection (2) which requires the Board to notify the owner of land in a municipality where there is a variation or alteration to the tax assessed on such residential land and if there is an increase in the assessed tax then the owner is required to pay that amount to the relevant Municipal Corporation.

PLANNING AND FACILITATION OF DEVELOPMENT ACT

149. **Clause 11** of the Bill proposes to amend the **Planning and Facilitation of Development Act** in the Fourth Schedule, Second Column to remove the deletion of certain clauses and to prevent the deletion of certain sections.



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