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Trinidad and Tobago

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HOUSE OF REPRESENTATIVES

## **BILL**

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.

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THE MISCELLANEOUS PROVISIONS (LOCAL  
GOVERNMENT REFORM) BILL, 2020

**Explanatory Notes**

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

The Bill seeks to amend nine pieces of legislation and will contain eleven clauses.

Clause 1 of the Bill would contain the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide that the Act would come into operation on such date as is fixed by the President by Proclamation.

Clause 3 of the Bill would amend the Municipal Corporations Act, Chap. 25:04 (the MCA). Paragraph (a) of the clause would amend section 2 of the MCA, which provides for the interpretation of certain words and phrases in the Act. The first definition to be amended is the definition of “Chief Executive Officer”, to delete the references to “City Clerk or Town Clerk” and replacing it with the term “Chief Executive Officer”. The clause would also amend the definition of “Commission”, which only refers to the Statutory Authorities Service Commission. The use of the term throughout the Act necessitates that definition now also speaks to the Public Service Commission.

The clause would introduce the phrase “complex development”, as the Municipal Corporations would be required to send applications for “complex developments” to the “Planning Authority”. In the definition of “corporate office”, references to “the Chairman” and “the Vice-Chairman” are being deleted. The paragraph provides for the introduction of the definition “local highway authority”, “Municipal Director of Finance”, “National Planning Authority” and “simple development”. The definition of “officer” is being amended to now recognise the new ability of the Corporations to employ their staff.

The clause at paragraph (b) would amend section 5 of the MCA to include the Borough of Chaguanas in the list of areas to which the Act applies.

The clause at paragraph (c) would amend section 11 in subsections (2) and (7) to correct the references to the “Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act”. The paragraph would also amend subsection (3)

to vary the term of office of Councillors from three years to four years requiring that all Councillors would retire on the last day of every quadrennial. The clause goes on to remove the requirement for a Councillor to have his qualifying property situated in the electoral area but in an electoral district other than the electoral district for which he seeks to be a candidate, and would disqualify a person from being a Councillor where he has been convicted of an offence which carries a penalty of five years or more.

The clause at paragraph *(d)* goes on to amend section 12 of the MCA to vary the requirement for a person to be an Alderman by requiring an Alderman to be a person who qualifies to be a Councillor. Paragraph *(d)* would also repeal subsection (3) which provided that for Corporations other than Cities and Boroughs at least one Alderman be elected from persons who are members of a Village or Community Council within a Municipality. The paragraph would also provide that the term of office of an Alderman is also being varied from three years to four years.

The clause at paragraph *(e)* would repeal section 17 of the MCA and substitute a new section 17 which would empower the Minister to determine the remuneration and allowances for the Mayor, Aldermen and Councillors. The Act would also be amended to provide for the remuneration and allowances to be paid out of the fund of a corporation established under section 109.

The clause at paragraph *(f)* would repeal section 18 of the MCA which allows the President to make regulations for the purposes of section 17.

The clause at paragraph *(g)* goes on to amend section 21 of the MCA to first remove references to “honorarium” and replace it with the word “remuneration”. The clause would also 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. The clause would insert a new subsection (5), which would allow the Council to appoint an Alderman or Councillor to the office of Deputy Mayor where the Mayor is acting as Deputy Mayor and such a person would hold office until the date the Deputy Mayor ceases to act as a Mayor.

The clause at paragraph *(h)* would amend section 22 of the MCA by increasing the penalty from four thousand dollars to ten thousand dollars for a qualified person who is elected to corporate office and fails to accept the office by making and subscribing the required declaration within five days after notice of the election.

The clause would also bar the qualified person from offering himself from any further municipal elections. The clause would also remove an exemption for a person over the age of sixty-five 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 years who claims an exemption within five days after the notice of his election.

The clause at paragraph *(i)* would amend section 24(2) to insert the words “or Alderman” after the word “Councillor”.

The clause at paragraph *(j)* would amend section 25(3) of the MCA to require a copy of the notice of the vacancy of a corporate office to be sent not only to the Minister but also the Elections and Boundaries Commission.

The clause at paragraph *(k)* would amend section 27 of the MCA to provide for the office of an Alderman 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).

The clause at paragraph *(l)* would amend section 31 of the MCA to provide for a person committing 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. The penalty for the offence is also being increased from four thousand dollars to ten thousand dollars. The clause would go on change the language in respect of the guilt of a person registered as an elector.

The clause at paragraph *(m)* would insert a number of new clauses. New section 33A would be inserted to provide for the corporation to have a Municipal Council and an Executive Council. Section 33B would list the roles and responsibilities of a Municipal Council. New section 33C would list the roles and responsibilities of the Executive Council. New section 33D would lay out the composition of the Executive Council Corporation. New section 33E would lay out the functions and duties of the Executive Council. New section 33F would provide for the powers of members of the Executive Council. New section 33G would provide for the Executive Council to be subject to the Ombudsman. New section 33H would require each Corporation to establish its organisational structure in accordance with the divisions established under section 35A. The Corporation may also seek the

approval of the Minister with responsibility for local government for review of the organisational structure. New section 33I would empower the Municipal Corporations to exercise the powers given to local authorities under the Public Health Ordinance. This section would require officers of the Corporation in exercising the powers of a local authority to only enter private premises with the consent of the owner or occupier and during the hours of 8 am to 5 pm and only take any item with the consent of the owner or occupier. Where the owner or occupier refuses to consent to entry the Corporation is required to apply to the Court for a warrant to enter and seize and remove anything from the premises.

The clause at paragraph (*n*) would amend section 34 of the MCA to mandate that a Corporation have a staff of Chief Officers only as provided for in section 36 and officers and employees as are necessary for the efficient discharge of the functions of the Council. The clause would further insert a new subsection (2) which would give a Corporation the responsibility for employing persons as it considers necessary for the due performance of its functions, setting the qualifications, and discipline or dismiss its employees. 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.

The clause at paragraph (*o*) would further insert new section 34A which provides for the pension rights and schemes for its employees and a new section 34F which would provide for the grievance procedures which are set out in the Twelfth Schedule.

The clause at paragraph (*p*) would amend section 35 to recognise the employment of persons by the Corporation.

The MCA would be further amended in paragraph (*q*) by inserting a new section 35A which would list the responsibilities for administrative divisions of a Corporation. The clause would also allow for two or more responsibilities under section (1) to be carried out by one Division of the Municipal Corporation. The paragraph would also insert a new section 35B which would provide for the responsibilities of the division with responsibility for corporate services; new section 35C, which would provide for the responsibilities of the division with responsibility for finance, planning and allocation of resources; new section 35D, which would set out the responsibilities of the division with responsibility for recreation ground and public spaces; new section 35E, which would provide the responsibilities of the division with responsibility for public health, sanitation and the environment; new section 35F, which would provide the responsibilities of the division with

responsibility for spatial planning and building inspection; new section 35G, which would provide the responsibilities of the division with responsibility for monitoring and evaluation; new section 35H, which would provide the responsibilities of the division with responsibility for community development and social services and new section 35I which would provide the responsibilities of the division with responsibility for infrastructure development and maintenance.

The clause at paragraph (*r*) would amend section 36 of the MCA by deleting the words "Treasurer" and replacing it with the new nomenclature "Municipal Director of Finance" and by replacing the "Medical Officer of Health" with the "Municipal Director of Health" and providing for the Municipal Planning Director and the Municipal Social Services Director.

The clause at paragraph (*s*) would repeal section 37, which previously would have required the vacancy in office of a Chief Officer to be reported to the Commission and the requirement for it to be filled within three months and the failure to do so be reported to the President by the Mayor. The new section 37 would provide for the functions of the Corporation.

Paragraph (*t*) would amend section 38 of the MCA to include within the functions of the Chief Executive Officer, the responsibility of the day to day operation of the Municipal Corporation.

The clause at paragraph (*u*) would further insert a new subsections 38(2) and (3) which allows for all Chief Officers and staff to report directly to the Chief Executive Officer of that Corporation or to such other officer as the Chief Executive Office may determine.

The clause at paragraph (*v*) would amend section 39 of the MCA to put the conjunctive "and" at the end of paragraph (c).

The clause at paragraph (*w*) would amend section 40 of the MCA by providing for a change of title from "Treasurer" to "Municipal Director of Finance". The clause would further provide for the "Municipal Director of Finance" to be the head of the Finance, Planning and Allocation of Resources Unit.

The clause at paragraph (*x*) would amend section 42 of the MCA to provide for a change of title from "Medical Officer of Health" to "Municipal Director of Health" and also for a change of title from "Treasurer" to "Municipal Director of Finance".

The clause at paragraph (y) would insert after section 42, a new section 42A which would provide that where the Municipal Director of Health or any medical and health officer is of the opinion that a patient is suffering from an occupational disease contracted in any industrial establishment, he shall, within 48 hours, notify the Chief Medical Officer who shall send the notice to the Chief Inspector.

The clause at paragraph (z) would amend section 43 of the MCA to provide for the change of title from “Medical Officer of Health” to “Municipal Director of Health”. The clause would further insert the following new subsections: (2) which would provide for the powers of the Municipal Director of Health as to implement the functions set out in 42, (3) which would provide for the Municipal Director of Health or his authorized representative, in the discharge of his duties, to require of an occupier the means necessary for entry, inspection, examination, inquiry and taking of samples in respect of premises for which this Act applies, (4) which would provide for the grounds for deeming a person to have obstructed the inspector of the execution of his duties under the Act, (5) which would provide for the penalties of the obstruction of the execution of the duties of the Municipal Director of Health and (6) which would provide for the exemption of personal liabilities to a Municipal Director in the execution of his duties.

The clause at paragraph (aa) would insert after section 43 of the MCA, new sections 43A and 43B. New section 43A would provide for the Municipal Corporation working in conjunction with the Insect Vector Control Division of the Ministry of Health would be responsible for vector control in the Municipality in accordance with guidelines developed by the Ministry with responsibility for health. New section 43B would require the Municipal Director of Health to report any infectious diseases occurring in a Municipality to the Chief Medical Officer of the Ministry with responsibility for health.

The clause at paragraph (ab) would amend section 44 of the MCA to provide for a change of title from “Treasurer” to “Municipal Director of Finance”.

The clause at paragraph (ac) would amend section 48 of the MCA to provide for each Municipal Police Service for the Corporation as well as the Public Services Commission and the Statutory Authorities Services Commission to appoint a sufficient number of Commissioned officers, subordinate police officers and constables.

The clause at paragraph (*ad*) would further amend section 60 of the MCA to allow the Public Service Commission and Statutory Authority Services to make regulations providing for the classification of officers in the Municipal Police Service Commission as deemed applicable by the Police Service Commission.

The clause at paragraph (*ae*) would amend section 62 of the Act by removing the option for a Minister to approve a meeting within a period, to now prescribing a standard meeting which every Council must hold at least once a month.

The clause at paragraph (*af*) would amend section 63 of the MCA to further remove the two clear days' written notice before periodic statutory meetings approved by the Minister to now, a two clear days' notice for the standard monthly meeting.

The clause at paragraph (*ag*) would amend section 65 of the MCA to stipulate that a quorum must have fifty per cent plus one of the members of the Council or any of its Committees to constitute a meeting.

The clause at paragraph (*ah*) would further amend section 67 of the MCA to remove the ability to pass a motion for a negative vote and a motion of a vote of a two-thirds majority within subsection (1), and to insert new subsections (1A) and (1B) to allow for the separation of each motion respectively.

The clause at paragraph (*ai*) would amend section 68 of the MCA to delete the word "committee", wherever it occurs, and replace with the words "Standing Committees".

The clause at paragraph (*aj*) would amend section 69 of the MCA to provide for the removal of the previous Standing Committees and the implementation of new Standing Committees, appointment to the Standing Committees and areas of responsibility. The paragraph would provide for the Audit Committee, its composition, quorum and responsibilities.

The clause at paragraph (*ak*) would insert after section 75 of the Act, the following sections: 76, which provides for the interpretation of words used in the Part, such as Property Tax Act, taxes and residential land; 77 which provides for an authorization to the Board of Inland Revenue to forward taxpayers information to the Corporation and which would require them to keep such information confidential unless authorized to do otherwise, failing which, would result in the payment of a fine and imprisonment; 78, which provides for the responsibility of the corporation to collect residential land-property taxes and to retain such taxes in its



corporation fund; 79, which requires the Corporation to keep account of taxes collected and forward a record of information on all taxes within the Municipality who failed to pay their property taxes; 80, which would provide for the Corporation to comply with all security requirements of The Board of Inland Revenue; and 81, which provides for an exemption of property taxes to be dealt with under the Property Taxes Act.

The MCA would be further amended in paragraph *(al)* to amend section 108 of the MCA to now require Councils to submit the yearly estimates of expenditure for the Corporation to the Minister of Finance directly rather than through the Minister with responsibility for local government.

The clause at paragraph *(am)* would amend section 109 of the MCA, which provides for every Corporation, a Statutory Fund to be known by its corporate name. The clause further includes new subsections 1A and 1B, which would provide for what the money of the Corporation Fund shall comprise and allows for section 43(3) of the Exchequer and Audit Act to apply to the Corporation Fund respectively.

The clause at paragraph *(an)* would amend section 111 of the Act to delete the word “Treasurer” and replace with the words “Municipal Director of Finance”.

The clause at paragraph *(ao)* would amend section 112 of the Act to provide for the application of Corporation Funds. Subparagraph *(i)* would include “parks” in the areas of responsibility for which monies from a Corporation Fund will be spent. This subparagraph would also remove from paragraph *(e)* of section 112, the restriction to maintenance of pitch walks, rails and benches to those around the Queens’s Park Savannah to pitch walk, rails and benches around all parks and savannah within Municipalities. In paragraph *(f)* of section 112, “cremation sites” will be included in the responsibilities for which monies are to be spent. Paragraph *(j)*, is being amended to include references to the Minister with responsibility for finance and two new paragraphs would be deleted, and the insertion of the new paragraphs *(k)* and *(l)* to account for disaster management, any expenses incurred and other sums which have been specifically voted by the council and the payment approved by the Minister with responsibility for finance, respectively. The clause goes on to grant the Minister with responsibility for finance the power to consent to the allocation of the surplus of the Corporation Funds.

The clause at paragraph (*ap*) would amend section 113 of the MCA in subsection (3) to refer to the Minister as “the Minister with responsibility for finance” and to provide for a new subsection 3A, which authorizes the Minister with responsibility for finance, on the advice of the Auditor General, to retain the services of an external auditor and 3B which provides for the Auditor General or an auditor to perform audit activities of the corporation.

The clause at paragraph (*aq*) would amend section 115 of the MCA to provide for a change of title from “Treasurer” to “Municipal Director of Finance” where applicable.

The clause at paragraph (*ar*) would amend section 116 of the MCA, which provides for the Municipal Director of Finance to authorize the signatures of the cheques and receipts drawn upon the banking account of a Corporation.

The clause at paragraph (*as*) would further amend section 117 of the MCA to grant a Council the power to make regulations by resolution in keeping with the Exchequer and Audit Act.

The clause at paragraph (*at*) would amend section 118 of the MCA to provide for the Minister with responsibility for finance to approve of all vouchers.

The clause at paragraph (*au*) would amend section 119 of the MCA to refer to the Minister with responsibility for finance.

The clause at paragraph (*aw*) would amend section 120 of the MCA to empower the Minister with responsibility for finance to approve the allocation of money to other purposes other than those to which such monies were allocated under this Act.

The clause at paragraph (*aw*) would amend section 121 of the Act to increase the penalty for a failure to comply with the provisions in subsection (1) from a fine of one thousand dollars to one hundred thousand dollars.

The clause at paragraph (*ax*) would amend section 122 of the Act to increase the penalty for failure to comply with the provisions of subsections (1) or (2) from a fine of four thousand dollars to one hundred thousand dollars.

The clause at paragraph (*ay*) would insert after section 123, a new section 123A which would provide that the Public Procurement and Disposal of Public Policy Act, 2015 would apply to Municipal Corporations.

The clause at paragraph (*az*) would amend section 124(1) in the definition of “street” to insert the word “footway” the word “park”.

The clause at paragraph (*ba*) would insert after section 124 of the MCA, 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 in order to grant permission of the development. The clause would provide for the reception of applications for the development of land within a municipality and the determination of 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.

The clause at paragraph (*bb*) would amend section 160 of the MCA to insert a new subsection (2), 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.

The clause at paragraph (*bc*) would amend section 187 of the MCA in the definition of “marketable commodity” to remove the reference to “drugs”. This amendment would allow for Pharmacies to be opened outside of a market.

The clause at paragraph (*bd*) would amend section 197 of the MCA to increase the penalty in subsection (3) from two hundred dollars to five thousand dollars and in subsection (4) from two thousand dollars to four thousand dollars, and to remove the reference to “guilty of an offence” and replace with a reference to “commits an offence”.

The clause at paragraph (*be*) would amend section 199 of the MCA by increasing the penalty for the breach of subsection (1) and (2) to a fine of four thousand dollars.

The clause at paragraph (*bf*) would provide for a new section 199A which would prohibit the sale of drugs within a market.

The clause at paragraph (*bg*) would amend section 200 to increase the penalty from one thousand dollars to four thousand dollars.

The clause at paragraph (*bh*) would amend section 202 to remove the reference to “guilty of an offence” and replace with a reference to “commits an offence” and to increase the penalty from two hundred dollars to five hundred dollars.

The clause at paragraph *(bi)* would 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 also increase the fine from five hundred dollars to one thousand dollars.

The clause at paragraph *(bj)* would 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.

The clause at paragraph *(bk)* would amend the Heading “Part IX” to include ‘VENDORS’ within the heading.

The clause at paragraph *(bl)* would amend section 210 of the MCA 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.

The clause at paragraph *(bm)* would amend section 211 of the MCA to require a vendor to now be licensed and to allow the Minister to prescribe the licence fees for all licences granted under Part IX.

The clause at paragraph *(bn)* would amend section 213 of the MCA to amend the reference to licence fees being contained in the Thirteenth Schedule to the licence fees prescribed by the Minister under Order.

The clause at paragraph *(bo)* would amend section 215 of the MCA to increase the penalty 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 to one thousand dollars.

The clause at paragraph *(bp)* would amend section 217 of the MCA to increase the penalty for failing to notify the change of address of the holder of a licence issued under Part IX from five hundred dollars to one thousand dollars.

The clause at paragraph *(bq)* goes on to amend section 219 of the MCA to now require that 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 requiring a person to keep their license on their person at all times while engaged.

The clause at paragraph *(br)* would amend section 220 of the MCA to allow a Municipal Police Officer to issue tickets under the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52.

The clause at paragraph *(bs)* would amend section 232 of the MCA, 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 the maintenance of State property, including police stations, health centres, post offices, other government buildings, schools and sporting facilities.

The clause at paragraph *(bt)* would amend section 233 of the MCA to correct a typographical error by removing the reference to “Tobago”. The clause would also provide for the insertion of the following new subsections 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.

The clause at paragraph *(bu)* would amend section 234 of the MCA to provide for the members of the Executive Committee to now include a set number of five members, including all elected Mayors that were not elected in the Committee.

The clause at paragraph *(bv)* would amend section 253 of the MCA to provide for the Co-ordinating Committee to comprise 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.

The clause at paragraph *(bw)* would amend section 256 of the MCA 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.

The clause at paragraph *(bx)* would insert after section 269 of the MCA, a new section 269A which would empower the Minister, after consultations with the Association of Local Government Corporations of Trinidad, to make Regulations.

The clause at paragraph (*by*) would amend section 271 of the MCA to provide for an adjustment of the time to be fixed for the election of a new Council with respect to the dissolution of the Council from two years to six months from the date of such order.

Paragraph (*bz*) of clause 3 of the Bill would insert after section 274 of the Act, a new section 275 which would empower the Minister to amend the Thirteenth Schedule by Order.

Paragraph (*ca*) of clause 3 of the Bill would repeal the Eighth Schedule.

Paragraph (*cb*) of clause 3 of the Bill would repeal Form B in the Ninth Schedule.

Paragraph (*cc*) of clause 3 of the Bill would insert, after the Eleventh Schedule, the Twelfth Schedule and the Thirteenth Schedule.

Clause 4 of the Bill would seek to provide for the amendments to the Burial Grounds Act, Chap. 30:50 and a number of Regulations under the Act.

Clause 5 of the Bill would seek to amend the Cremation Act, Chap. 30:51 in section 2 to insert the definition of "Corporation". The clause at paragraph (*b*) would amend the Cremation Regulations to first delete the definition of "local authority". The clause would then amend regulation 4 to delete the words "District Medical Officer" and substitute with the words "Municipal Director of Health". The Regulations would also be amended to delete the references to "local authority" in regulations 10 and 20 and replace with references to "a Corporation".

Clause 6 of the Bill would seek to amend the Advertisements Regulation Act, Chap. 35:53. The clause at paragraph (*a*) would amend section 4 of the Advertisements Regulation Act to delete the words "City or Borough, the City or Borough Council, and elsewhere, the County Council" and replace with the words, where they occur, "Municipality, the Council of the Municipal Corporation". Paragraph (*b*) would amend section 5 to repeal subsections (2) and (3) which were spent provisions. Paragraph (*c*) would amend section 6 of the Act to replace references to City or Borough and replace with the words "The Council of a Municipal Corporation or the Tobago House of Assembly may make Bye-laws". Paragraph (*d*) would amend sections 7 and 8 to delete references to "the County Council or City or Borough Council or County Council" where they occur and replace with the words "Municipal Council or Tobago House of Assembly" and "Council of

the Municipal Corporation” respectively. Paragraph *(f)* would amend section 9(2) to delete references to “City or Borough” and “local authority concerned” and replace with the words “Municipality or Tobago” and “Municipal Corporation concerned or the Tobago House of Assembly” respectively. Paragraph *(g)* would amend the Advertisements and Hoarding Regulations. Subparagraph *(i)* would amend Regulation 2 to make a number of amendments to the definitions therein, including inserting a new definition of “Municipal Corporation”. The clause would also revoke regulation 17.

Paragraph *(h)* would amend the Port-of-Spain Advertisements and Hoarding Bye-Laws to remove references to “the Council” and replace with the words “Corporation”.

Paragraph *(i)* would amend the Arima Advertisements and Hoarding Bye Laws to remove references to “the Council” and replace with the words “Corporation”.

Paragraph *(j)* would amend San Fernando Advertisements and Hoarding Bye Laws to remove references to “the Council” and replace with the words “Corporation”.

Clause 7 of the Bill would seek to amend the Recreation Grounds and Pastures Act, Chap. 41:01 in Regulations made under that Act. The Recreation Grounds Rules would be amended to change references to “County” to references to “Municipal Corporations and the Tobago House of Assembly”.

Clause 8 of the Bill would seek to amend the Highways Act, Chap. 48:01 to change references to “County” and “Council” to references to “Municipal Corporations” and “the Tobago House of Assembly”. Additionally, the clause in paragraph *(a)*(iii) would amend the definition of “engineer”. The clause would seek to amend section 6 of the Regulations, to delete the word “street” and replace with the words “local roads, streets and developmental roads”. This amendment would now provide that the Municipal Council be responsible not only for streets but also local roads and developmental roads. The clause would seek to amend section 7 providing that the Minister ceases to be the highway authority for a road specified in an order where the highway authority is the Municipal Corporation of the municipality where the road is situated.

Clause 9 of the Bill would seek to amend the Dogs Act, Chap. 67:54 in section 8(5) to increase the penalty where the finder of a dog does not return the dog or bring it in to a detention centre from two hundred dollars to five thousand dollars.

Paragraph *(b)* would increase the penalty for a person to have a dog go at large without being muzzled from one hundred dollars and imprisonment for one month to five thousand dollars and to imprisonment for nine months. Paragraph *(c)* would amend section 14 to increase the penalty for the owner of a dog who is found at large without being muzzled from twenty dollars to one thousand dollars. Paragraph *(d)* would amend section 18 and now provide that Regulations made under the Act could carry a penalty up to five thousand dollars.

Clause 10 of the Bill would seek to amend the Property Taxes Act, Chap. 76:04. Paragraph *(a)* would insert after section 9 a new section 9A that would require the Board of Inland Revenue to forward the tax information to the Corporation that is relative to residential land within the corporation and which identifies the owners of land the amount of tax assessed thereto. Paragraph *(b)* would amend section 10 to introduce a new subsection (2) that would require the residential taxes be paid to the Municipal Corporation in which the residential land is located. New subsection (3) would provide that the Minister of Finance may, by Order, declare if agricultural, industrial or commercial taxes may be collected by the Municipal Corporations and what percentages may be retained. Paragraph *(c)* would provide that where there is an appeal as to an assessment for residential tax, that appeal shall be made to the Board of Inland Revenue. Paragraph *(d)* would amend section 30 to introduce a new subsection which requires the Board to notify the owner of land in a municipality where there is a variation or alteration to the tax assessed in respect of residential land and if there is an increase in the assessed tax the owner is required to pay that amount to the relevant Municipal Corporation.

Clause 11 of the Bill would seek to amend the Planning and Facilitation of Development Act, No. 10 of 2014 to amend the Fourth Schedule to remove the deletion of certain clauses. Paragraph D of the Fourth Schedule would be amended in the Second Schedule to stop the deletion of sections 160, 163 and 165, 176, 177, 178, 180 and 182.



## **BILL**

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.

[ , 2020]

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	<b>1.</b> This Act may be cited as the Miscellaneous Provisions (Local Government Reform) Bill, 2020.
Commencement	<b>2.</b> This Act shall come into operation on such date as is fixed by the President by Proclamation.
Chap. 25:04 amended	<p><b>3.</b> The Municipal Corporations Act is amended—</p> <p style="padding-left: 2em;">(a) in section 2—</p> <p style="padding-left: 4em;">(i) in the definition of “Chief Executive Officer”, by deleting the words “City Clerk or Town Clerk” and substituting the words “Chief Executive Officer”;</p> <p style="padding-left: 4em;">(ii) in the definition of “Commission”, by inserting after the word “Act” the words “or the Public Service Commission established under the Constitution”;</p> <p style="padding-left: 4em;">(iii) by inserting after the definition “Commission”, the following definition:</p> <p style="padding-left: 6em;">“complex development” means a development that—</p> <p style="padding-left: 8em;">(a) involves issues of national security;</p> <p style="padding-left: 8em;">(b) involves issues of more than local importance;</p> <p style="padding-left: 8em;">(c) raises significant architectural or urban design issues giving rise to substantial regional or national controversy;</p>

- (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 “Mayor”, 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;”;

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

- (xvii) in the definition of “street”, by inserting after the word “square,” the words “park,”;
  - (xviii) in the definition of “street repairable by a Corporation”, by deleting the words “Local Highway Authority” and substituting the words “local highway authority”; and
  - (xix) 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) in subsection (6)(b), by deleting subparagraph (ii);
  - (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 word “.” and substituting the words “and”;

(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 “Save for the requirement that Councillors be residents or owners of property within a Municipality, 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:



“Remunera-  
tion 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 subsections (2) and (3), by deleting the word “honorarium” wherever it occurs and substituting the word “remuneration”;
- (ii) 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.”;
- (iii) 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 organisational structure 33H. A Corporation shall establish its organisational structure in accordance with the Divisions established under section 35A and may 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 qualifica-



tions 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 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

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

Twelfth  
Schedule

- (p) in section 35, by inserting after the word “Schedule” wherever it occurs and substituting the words “not employed by the Corporation under section 34(2)”;
- (q) by inserting after section 35, the following new sections:

“Responsibilities  
of Divisions  
of a  
Corporation

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 and  
public spaces

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

- (a) developing, maintaining and managing sporting facilities, recreation grounds and public places;
- (b) constructing and installing sporting and exercise facilities at recreation grounds;
- (c) developing policy for usage and rental of sporting facilities; 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) the 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.

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 hard 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 infrastructure development and maintenance

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 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.

Division with  
responsibility  
for community  
development  
and social  
services

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 roads, including all main roads within the boundaries of the Municipality; and
- (f) such other functions as the Council of the Corporation determines.

Division with  
responsibility  
for disaster  
management

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  
Thirteenth Schedule

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.

(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 occupa-  
tional 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 Occupational Safety Health Act.”;

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(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” and substituting the words “the Municipal Director of Health” and “; 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 the  
 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 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” 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 subsection (2), 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 statements;
- (d) compliance requirements;
- (e) internal audit;
- (f) external audit;
- and
- (g) other relevant functions, including review of a Corporation’s governance arrangement, performance

f r a m e w o r k ;  
r e l e v a n t  
p a r l i a m e n t a r y  
c o m m i t t e e r e p o r t s  
a n d r e c o m m e n d a t i o n  
a n d p o r t f o l i o  
r e s p o n s i b i l i t i e s .

(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;
- (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  
No.18 of 2009

76. In this Part—

“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 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 Board of Inland Revenue.

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

(al) 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, delete the word “Treasurer” and substitute 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 “ceteries” 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) in subsection (3), by inserting after the word “Minister”, the words “with responsibility for finance”;

(ii) 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.”;

- (aq) in section 115, by deleting the word “Treasurer”, wherever it occurs, and substituting the words “Municipal Director of Finance”;
- (ar) in section 116, by inserting after the word “Minister”, the words “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”; and
  - (ii) in subsection (3), by inserting after the word “Minister” the words “with responsibility for finance”;
- (au) in section 119(8), by deleting the words “Member of the Cabinet” and substituting the word “Minister”;
- (av) in section 120, insert 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—

(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 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.”;

(*bc*) in section 187—

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

(ii) by repealing subsection (2);

(*bd*) in section 197—

(i) in subsection (3), by deleting the

word “two” and substituting the word “five”; and

(ii) 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”;

(*be*) 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”;

(*bf*) 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.”;

(*bg*) 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.”;

(bh) 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”;

(bi) 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”;

(bj) 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”;
- (*bk*) in the heading for Part IX, insert before the word “Pedlar”, the words “Vendor,”;
- (*bl*) 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”;
- (*bm*) 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”;
- (*bn*) in section 213, by deleting the “the Thirteenth Schedule,” and substituting the words “an Order made under section 211(2),”;
- (*bo*) in section 215(2), by deleting the words “five hundred” and substituting the words “one thousand”;
- (*bp*) in section 217(2), by deleting the words “five hundred” and substituting the words “one thousand”;
- (*bq*) 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.”;

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

Chap. 48:52 “ (2) A Municipal Police Officer may issue fixed penalty tickets under the Motor Vehicles and Road Traffic (Enforcement and Administration) Act.”;

(*bs*) 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”;

(bt) 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;

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

(bu) 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”;

(bv) 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”;
- (bw) in section 256(2), by inserting after the word “Engineer”, the words “, agent authorised by the Corporation”;
- (bx) by inserting after section 269, the following new section:
- “Regulations 269A. The Minister with responsibility for finance in consultation with the Association of Local Government Corporations of Trinidad shall make regulations to give effect to any matter under this Act.”;
- (by) in section 271(2) by deleting the words “two years” and substituting the words “six months”;
- (bz) by inserting after section 274, the following new section:
- “Minister may amend Thirteenth Schedule 275. The Minister may, by Order subject to negative resolution, amend the Thirteenth Schedule.”
- (ca) repeal the Eighth Schedule;

(*cb*) in the Ninth Schedule, delete Form B; and  
(*cc*) 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 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 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 clean environment within a municipality;
- (n) Repairs and maintenance of Government and Government assisted Schools; and
- (o) Promotion of local tourism, sports and culture.”.

Chap. 30:50  
amended

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

(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 Corporations constituted under the Municipal Corporations Act; and in whose electoral district a hoarding or advertisement is erected or exhibited respectively or intended to be erected or exhibited.”;

Chap. 25:04

- (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”.

(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 I 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 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 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 and imprisonment for nine months”.

Chap. 76:04  
amended

**10.** The Property Taxes Act is 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 amended 2014 is amended in the Fourth Schedule in the Second 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,”.



No. 14 of 2020

FIRST SESSION

TWELFTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

## **BILL**

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.

Received and read the

First time .....

Second time .....

Third time .....