

ROSEAU CITY COUNCIL ACT

CHAPTER 25:01

Act
17 of 1982
Amended by
15 of 1985*
12 of 1990

(*By implication - see Note on Extension of Term of Office on page 2).

Current Authorised Pages	
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<i>(inclusive)</i>	<i>by L.R.O.</i>
<i>1 - 31</i>	<i>1/1991</i>

**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**Note
on
Extension of Term of Office
Act No. 15 of 1985**

Act No. 15 of 1985 extended the term of the Council to 3rd January 1986 and validated all acts done by the Council prior to that date.

**Omission
of
Subsidiary Legislation**

A. The following Subsidiary Legislation (made by the Roseau Town Council Ordinance Cap. 189 (1961 Ed.) and prescribed by section 18 of the Act) have been omitted:

- (1) Adulteration of Food By-Law (By-Law 2/1933).
- (2) Termites By-Law (By-Law 3/1920).
- (3) Bakeries By-Laws (By-laws 3/1914) (Amended by By-laws 2/1925; 1/1926; 1/1947; 3/1953 and 1/1979).
- (4) Bay Front Rules (*Gazette* 22/3/1920).
- (5) Buildings By-laws (By-laws 1/1933).
- (6) Numbering of Buildings and Lots By-laws (By-laws 3/1955).
- (7) Town Constables By-laws (By-laws 3/1896).
- (8) Dog Licence By-laws (By-laws 1/1950).
- (9) Factories By-laws (By-laws 6/1953) (Amended by By-laws 3/1979).
- (10) Ice and Aerated Water Factories By-laws (By-laws 1/1915).
- (11) Fertilizer Importation Rules (*Gazette* 16/10/1916).
- (12) Dawbiney Market By-laws (By-laws 2/1899) (Amended by By-laws 2/1955).
- (13) Roseau Meat and Fish Market By-laws (By-laws 2/1937) (Amended by By-laws 3/1937; 7/1953; 2/1957; 1/1958; 3/1962; (By implication Ordinance 5/1957).

- (14) Milk By-laws (By-laws 1/1934).
 - (15) Miscellaneous Matters By-laws (By-laws 4/1896) (Amended by By-laws 5/1922; 3/1926; 1/1930; 2/1959; 1/1962).
 - (16) Mosquito Control By-laws (By-laws 6/1911).
 - (17) Public Eating Houses By-laws (By-laws 3/1934) (Amended by By-laws 2/1947; 3/1977).
 - (18) Removal of House Refuse By-laws (By-laws 3/1915).
 - (19) Sale of Vegetables By-laws (By-laws 1/1957).
 - (20) Sanitation By-laws (By-laws 3/1911) (Amended by By-laws 2/1914; 4/1914; 3/1923; 4/1922; 1/1924; 1/1927; 1/1928; 2/1939; 3/1947; 4/1962) (By implication Ordinance 5/1967).
 - (21) Sewage By-laws (By-laws 3/1924) (Amended by By-laws 2/1953; 2/1979).
 - (22) Street Meetings By-laws (By-laws 1/1937).
 - (23) Licensing of Tourists Guides By-laws (By-laws 1/1935).
 - (24) Wakes By-laws (By-laws 1/1938).
 - (25) Water Works By-laws (By-laws 1/1908) (Amended by By-laws 1/1941; 2/1942; 1/1945; 1/1953; 5/1955; 1/1959 and S.R.O. 7/1962).
 - (26) Wheel Licences By-laws (By-laws 2/1945) (Amended by By-laws 1/1965).
 - (27) Wheel Licences (Carts) By Laws (By-laws 5/1953).
 - (28) Windsor Park By-laws (By-laws 1/1942).
 - (29) Children's Playground By-laws (By-laws 2/1962).
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CHAPTER 25:01

ROSEAU CITY COUNCIL ACT

AN ACT to provide for the establishment of a body corporate for the City of Roseau; to extend the existing boundaries of the Roseau Town Council; to divide the Municipality of Roseau into wards, and to make provision for the good government of the City of Roseau.

17 of 1982.

[24th June 1982]

Commencement.

1. This Act may be cited as the –

Short title.

ROSEAU CITY COUNCIL ACT.

2. In this Act –

Interpretation.

“By-Laws” means any By-Laws in force under section 18;

“City” means that area within the boundaries defined in section 62 of this Act;

“Council” means the Roseau City Council established in accordance with the provisions of this Act;

“Financial Secretary” means the officer holding the office of Financial Secretary of the Commonwealth of Dominica;

“Local Government Commissioner” means the person appointed as Local Government Commissioner or any person acting on his behalf;

“Minister” means the Minister responsible for Local Government;

“minister of religion” means any clergyman, minister, priest or other person who exercises or performs as his profession or occupation spiritual functions or the offices of religion for or in respect of any Christian or other church, community or body within the State;

“municipal limits” means the boundaries of the City;

“occupier” means any person actually occupying premises either as owner or by virtue of any lease or agreement whereby he is entitled as of right to occupy them;

“Presiding Officer” means the person appointed by the Chief Elections

Officer to preside at the polling station on election day;

“Registrar of Voters” means the person appointed by the Chief Elections Officer for the purpose of revising and settling the list under this Act;

“Returning Officer” means a person appointed by the Chief Elections Officer to preside at an election in respect of a ward in the Council and to declare and return the members elected to that ward;

“street” includes any square, road, bridle-path, pathway, blind alley, passage, footway or pavement.

PART I

CONSTITUTION AND POWERS OF COUNCIL

Constitution of Council.

3. (1) There shall be in and for the City a body corporate which shall take such measures for the government of the City as are required under this Act.

(2) The body corporate shall bear the name of the “Roseau City Council” and shall consist of thirteen persons, five of whom shall be nominated by the Minister as occasion or vacancy may require, and eight of whom shall be qualified and elected as hereinafter provided.

Schedule C.

(3) For purposes of election of members of the Council, the city shall be divided into four wards as described in Schedule C and each ward shall elect not more than two persons to the Council; but if a sufficient number of members is not elected or if no persons offer themselves for election or are elected, the Minister may nominate as many additional members as may be required for the representation of each ward and the constitution of the Council.

(4) The body corporate shall have an office in the City and an official seal.

(5) Subject to the provisions of this Act, all powers, authorities, interests, rights, immunities and privileges vested in the Roseau City Council as constituted immediately before the commencement of this Act shall be deemed to be vested in the Council and all property real and personal, belonging to the former Council is hereby declared to be vested in the Council.

Qualifications of members of Council.

4. No person shall be qualified to be elected as a member of the Council unless he –

(a) is a citizen of the Commonwealth of Dominica; and

(b) has attained the age of eighteen years or upwards; and

- (c) is resident in the City and has been so resident for a period of not less than six months immediately prior to the date of nomination.

5. (1) A person shall be disqualified from being a member of the Council if and while he – Disqualification
of member.

- (a) cannot speak, read or write English;
- (b) is a minister of religion;
- (c) holds any office or place of profit in the gift or disposal of the Council;
- (d) is an undischarged bankrupt;
- (e) is suffering from mental disorder;
- (f) has directly or indirectly by himself or his partner, or any person in his employ, any share or interest in any contract or employment with, by or on behalf of the Council.

(2) Notwithstanding subsection (1)(f), a person shall not be so disqualified, or deemed to have any share or interest in such contract or employment by reason only of his having any share or interest in –

- (a) any lease, or sale or purchase of land, or any agreement for the same;
- (b) any agreement for the loan of money or any security for the payment of money only;
- (c) any newspaper in which any advertisement relating to the affairs of the Council is published;
- (d) any company which contracts with the Council for lighting, or supplying with water or insuring against fire or hurricane or otherwise any part of the City; or
- (e) any company incorporated by Act of Parliament or Royal Charter, or under the Companies Ordinance;

Cap. 318.
1991: 1991

nor shall any person being a member of the Council be so disqualified if after having tendered for the supply of any materials for the use of the Council it is found by a majority of nine members at least of the Council that the supply of the materials by the member will be beneficial to the Council.

Forfeiture of seat
by member.

6. If any member of the Council –

- (a) becomes bankrupt;
- (b) is absent from any three consecutive meetings of the Council without leave of the Council;
- (c) is absent from the State for more than ninety days without leave of the Council; or
- (d) is in any Commonwealth country convicted of perjury or sentenced to death or penal servitude or imprisonment for a term exceeding twelve months or is under such a sentence of imprisonment the execution of which has been suspended;

he shall cease to be a member of the Council and his seat shall thereupon become vacant and a notification of the facts and circumstances of the vacancy shall be published in the *Gazette*, and in the case of a nominated member, sent to the Minister.

Expulsion of
member.

7. If any member of the Council refuses to obey and conform to the rules thereof of the Council, after affording the member an opportunity of defending himself, may by resolution expel the member from the Council and declare his seat vacant, and his seat shall thereupon become vacant accordingly.

Penalty for
unqualified
persons sitting
and voting.

8. Any person who, having been returned as an elected member of the Council but not having been at the time of his election qualified to be an elected member, and every person who, after his seat has become vacant, sits or votes in the Council, shall for every day on which he sits or votes be liable to a penalty of five hundred and fifty dollars to be recoverable by action at law at the suit of the Town Clerk.

Resignation of
member.

9. A member of the Council may resign his seat by giving fourteen days notice in writing to the Chairman.

Election of
Chairman.

10. At the first meeting of a new Council, the Council shall elect one of its members to be Chairman of the Council and the Chairman shall continue in office for the duration of the Council, and in case a vacancy occurs in the office of Chairman, the Council shall within ten days after the vacancy elect another of its members to fill the vacancy for the remainder of the duration of the Council; and in the event of the Council failing to elect a Chairman, or any two or more members of the Council obtaining the same number of votes at the election of a Chairman, the Minister may nominate a member of the Council to be Chairman.

11. The Chairman shall –**Powers of
Chairman.**

- (a) preside at the meetings of the Council and have such other functions and powers as may from time to time be assigned to him by the Council;
- (b) have no original vote, but a casting vote in the event of an equality of votes; and
- (c) be entitled to the title of “Mayor of Roseau”.

12. In the event of the absence of the Chairman the Council may elect one of its members to act as Deputy Chairman, who while so acting shall have all the powers of the Chairman.

**Deputy Chair-
man.****MEETINGS OF THE COUNCIL**

13. (1) The Council shall meet at least once in every month and at such other times as may be fixed by any regulation of the Council or when convened by the Chairman.

**Meetings of
Council.**

(2) If any three members of the Council present to the Chairman a request in writing that the Council be convened for the consideration of some particular matter, the Chairman shall summon a meeting of the Council accordingly.

(3) Any five members of the Council shall form a quorum for the transaction of business.

Quorum.

(4) Every question before the Council shall be decided by a majority of votes of the members present and voting.

(5) No act or proceeding of the Council or any committee thereof shall be questioned on account of any vacancy therein.

(6) A member of the Council shall not vote upon, or take part in the discussion of, any matter in which he has directly or indirectly, by himself or his partner or any person in his employ, any pecuniary interest.

**Member having
pecuniary interest
in any matter not
to vote.**

(7) The Council may adjourn its sittings from time to time.

FUNCTIONS AND POWERS OF THE COUNCIL

14. (1) The Council shall provide for the collection and expenditure for the benefit of the City of all moneys authorised by law to be raised for such purpose, to take all measures requisite under this Act for

Duty of Council.

the good government and improvement of the City, and to enforce the provisions of this or any Act relating thereto, and also of all Regulations and By-laws made under this or any other Act.

(2) The Minister may whenever he thinks fit require the Local Government Commissioner to carry out an inspection or inquiry into any matter pertaining to or into any aspect of the functioning of the Council; and the Council shall take all steps necessary to facilitate the inspection or inquiry.

(3) The Town Clerk shall forward to the Local Government Commissioner within forty-eight hours of the passing thereof, a copy certified by him of all resolutions moved and passed or accepted by the Council.

(4) The Minister may by letter addressed to the Chairman require the Council to refrain from taking action on any resolution passed or accepted by the Council for such period as he may consider necessary; and the Council shall comply with the request of the Minister.

Power to make
Regulations.

15. (1) The Council may make Regulations relating to all or any of the following matters:

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

and all such Regulations shall be published in the *Gazette*.

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

16. The Council may appoint out of its body and such other persons as it may consider suitable so many committees, either of a general or special nature and consisting of such number of persons as it may think fit, for any purposes which in the opinion of the Council would be better regulated by means of such committees; but the acts of every such committee shall be subject to the approval of the Council.

Appointment of committees.

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

Minutes of Council to be received in evidence.

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

Proceedings deemed to be regular.

(3) The minutes of every meeting of the Council or of a committee, certified by the Chairman, shall within three days after confirmation, be forwarded by the Town Clerk to the Minister and shall be published in the *Gazette*.

Minutes to be published.

BY-LAWS

18. (1) The Council may make By-laws for –

Making of By-laws.

- (a) the cleanliness of streets and drains;
- (b) the sanitation of buildings, walks, fences and structures of all kinds;
- (c) the suppression and abatement of nuisances;
- (d) dogs;
- (e) the keeping of animals, birds and bees;
- (f) the establishment of bath houses and latrines and the regulation thereof;

(g) the destruction of insects;

- ~~(h) the sanitation of unoccupied lands;~~
- (i) cemeteries and graves;
- (j) drainage and sewerage;
- (k) scavenging and the removal and disposal of excreta;
- (l) entry of members, officers and servants of the Council upon premises for the purposes of this Act and By-laws made thereunder;
- (m) public entertainments and performances;
- (n) infectious and contagious diseases;
- (o) disposal of dead bodies;
- (p) construction and maintenance of by-ways and tracks;
- (q) removal and disposal of derelict vehicles and any other abandoned object;
- (r) removal and disposal of derelict buildings and structures being a hazard to the public;
- (s) the cleanliness of hotels, restaurants, bars, workshops, pastry shops, bakeries and cooked food vendors;
- (t) entry of members, officers and servants of the Council upon premises for the purposes of this Act;
- (u) for prescribing the measures to be taken by vendors of marketable commodities as defined in the Roseau Market Act otherwise than in the Roseau Market in order to protect such commodities from contamination by flies, dust or otherwise.

Ch. 28:08.

(2) By-laws made by the Council shall be styled By-laws ordained by the Roseau City Council and such By-laws shall be subject to the approval of the Minister and shall not come into operation until they have been so approved and published in the *Gazette*; but –

- (a) the Minister may from time to time review the working of any By-laws so in operation, and may if of the opinion that they are causing or likely to cause hardship require the Council to have them revoked; and
- (b) should the Council fail to revoke any By-laws within such time as may be designated by the Minister, the

Minister may by Order published in the *Gazette* have the By-laws revoked.

(3) By-laws made under this section shall have force only within boundaries of the City.

(4) The powers conferred by this section shall include power to require, impose and charge licences, rates, dues and fees with respect to matters dealt with under any By-laws.

(5) The Council may by any By-laws, Rules or Regulations impose on offenders such penalties as it may think fit, not exceeding one thousand five hundred dollars for each offence, and in the case of a continuing offence, a further penalty not exceeding fifty dollars for each day during which the offence continues after service of written notice by the Council, and in default of payment of such penalties, imprisonment for any term not exceeding six months.

(6) All By-laws made under section 18 of the Roseau Town Council Ordinance repealed and not replaced by subsection (1) of this section are cancelled with effect from the coming into operation of this Act, but all other By-laws made under the Roseau Town Council Ordinance are preserved. Cap. 189* .
(1961 Ed).

(7) (a) No person shall sell or offer or expose for sale any marketable commodity as defined in the Roseau Market Act, in any place within the City, except in the Roseau Market or under or in accordance with the terms of a licence granted under this section.

(b) Every such licence shall be granted for such period and upon payment of such fees, and upon such conditions as the Council may from time to time prescribe.

(c) Every person who offends against the provisions of this subsection is liable on summary conviction to a fine of twenty-five dollars for each day that he so offends and in default of the payment of any such fine to imprisonment for fourteen days.

19. Subject to the provisions of this Act, it shall be within the power of the Council – Borrowing
powers.

(a) to borrow, with the sanction of and subject to such terms and conditions as may be imposed by the Minister, any sum or sums of money on the security of the immovable estate, rent, rates, and other income or

assets of the Council, for the purpose of carrying out any work of public utility within municipal limits, or any work which the Council is authorised to execute under this Act; but –

- (i) the total annual charges for interest and sinking fund in respect of any loans in existence at any one time shall not exceed one fourth of the total yearly income of the Council; and
- (ii) the annual charge for interest and repayment of any loan which may be made under the provisions of this Act shall be a first charge upon the revenue of the Council and shall be paid by the Council in such manner and at such time as the Minister shall direct;

Charitable and educational schemes.

- (b) to contribute towards, either by way of grant or loan, or to undertake the cost of any scheme or institution for public education or entertainment or any charitable scheme or charitable institution connected with or for the benefit of the City;
- (c) to carry out such duties in relation to any scheme submitted by the Planning Division of the Economic Development Unit of the Government as may from time to time be requested by the Minister charged with responsibility for planning in the Government of the Commonwealth of Dominica;
- (d) to provide for the allotment of special places for the sale of perishable goods, and to regulate the fees, rents and tolls for the use of such special places;
- (e) at the request of the Minister to maintain and regulate parks and gardens and other places of resort or recreation for the use of the public.

Establishment of pounds.
Ch. 61:02

20. (1) Notwithstanding the provisions of sections 3 and 4 of the Pounds Act, the Council may establish, erect and maintain at any convenient place or places within the City a public pound or pounds and may appoint some fit and proper person to be the pound-keeper at any such pound.

(2) A notification of the establishment of any such pound and the appointment or removal of any pound-keeper, as the case may be,

shall be inserted in the *Gazette*, and the notification shall be taken in all courts of law in this State and for all intents and purposes to be evidence that such pound has been legally established and the pound-keeper legally appointed or removed as in the said notification is stated.

(3) The Pounds Act and any Regulations made thereunder shall apply –

(a) to any pound established, erected and maintained under the provisions of this section, and

(b) to the pound-keeper of any such pound,

in the same manner, as they apply to a pound established, erected and maintained under that Act, and to the pound-keeper thereof; and pound-keepers appointed under this section shall have the same rights, powers and duties and shall be liable to the same penalties as are conferred or imposed upon pound-keepers appointed under the Pounds Act and any Regulations made thereunder.

21. (1) The Council may, with the prior approval of the Minister – Officers of the Council.

(a) appoint fit and proper persons to be Town Clerk, accountant, chief sanitary inspector, assistant Town Clerk, town overseer and town constable of Roseau respectively;

(b) from time to time fix or alter the salaries to be paid to such officers; and

(c) suspend or dismiss any of the said officers.

(2) The Minister may call upon the Council to give reason why any of the said officers should not be suspended or dismissed and upon consideration thereof direct the Council to suspend or dismiss any of the said officers upon such terms and conditions as may be considered fit. In the event of the Council failing to comply with the direction within three months or such shorter period as may be set out in the direction, the Minister may proceed to suspend or dismiss any of the said officers.

22. (1) The Town Clerk shall be the chief executive officer of the Council. He shall have all such powers and perform all such duties as are or may be conferred or imposed upon him by this or any other Act or by any Regulations, By-laws, or Order of the Council and shall collect the rates, dues and fees payable to the Council under the By-laws.

Town Clerk chief executive officer of the Council.

Town Clerk to attend meetings.

(2) The Town Clerk shall attend the meetings of the Council and of every committee, and shall keep minutes of the proceedings at every such meeting and shall be subject to the direction of the Council.

Acting appointments.

23. (1) If for any cause the Town Clerk or any other officer is unable to perform his duties, the Council may appoint some fit and proper person to act as Town Clerk or in the place of such other officer, as the case may be.

(2) Such officer shall hold office during the pleasure of the Council and shall have the same powers and duties as the officer in whose place he is acting.

Appointment of officers and servants.

24. (1) The Council may appoint such other officers and servants as may be required for the efficient administration of the affairs of the City.

(2) Every such officer or servant shall hold office for such term and under such conditions as may be agreed with the Council and shall receive such salary and perform such duties as may be assigned to him by the Council.

Security of officers and servants.

25. The Council may require any officer or servant to give such security as may be thought proper, for the true and faithful performance of the duties of his office, and for the due accounting for, paying over, and delivering up of all moneys, goods and chattels which may come into his hands, by virtue of such office.

Delivery by servants of receipts and vouchers.

26. (1) Every officer or servant appointed by the Council shall at such times during the continuance of his office, and upon his ceasing to hold it, and in such manner as the Council may direct deliver to the Council, or as Council may direct, a true account in writing of all matters committed to his charge and of his receipts and payments, with vouchers and a list of persons from whom moneys are due for the purposes of this Act, in connection with his office showing the amount due from each.

Payments of moneys to Town Clerk.

(2) Every such officer or servant shall pay all moneys due from him to the Town Clerk, or to the Council any other

Punishment of offences by servants.

(3) If any such officer or servant –

(a) refuses or neglects to deliver any account or list which he ought to deliver or any voucher relating thereto, or to make any payment which he ought to make; or

(b) after three days' notice in writing, signed by the Chairman, given or left at his usual or last known place of abode, refuses or neglects to deliver to the Council, or as the Council may direct, anything which he ought to deliver or to give satisfaction respecting it,

a Magistrate on complaint of the Chairman may, by summary order, require the said officer or servant to make such delivery or payment or to give satisfaction, and may enforce such order as provided by law.

(4) Nothing in this section shall affect any remedy by action against such officer or servant or his surety.

27. The Council may, subject to the approval of the Minister, in dispensing with the services of its officers or servants, pass a resolution granting the officers or servants a pension or gratuity at the same rate and subject to the same conditions as are applicable to civil servants or to non-pensionable officers of Government in accordance with the pension laws in force in the State.

Pensions and gratuities.

PART II

PROCEEDINGS FOR AND AT ELECTIONS

28. One month at least before the termination of every Council the electors of the City shall vote in the manner hereinafter provided for the election of members of the Council. The date of election shall be fixed by the Chief Elections Officer and shall be published by him in the *Gazette* and in one of the newspapers published in the State and posted up in the manner provided by law.

Time for holding election.

29. (1) Every election shall be held before the Returning Officer and such persons as may be appointed to assist him, all of whom shall be appointed by the Chief Elections Officer.

Mode of holding election and manner of voting.

(2) The voting shall commence at seven o'clock in the morning and shall close at five o'clock in the afternoon of the same day, and shall be by ballot and conducted in the manner hereinafter provided.

(3) Every elector may vote for not more than two persons as members of the Council, such persons having been duly nominated as candidates for the election in the ward in which the elector resides.

(4) No person shall be a candidate unless his name and consent in writing or be nominated with the name of the six persons by whom

he has been nominated, with their signatures attached, have been lodged with the Returning Officer at least seven days before the opening of an election.

(5) If at such time the number of candidates nominated and standing for election in any ward does not exceed the number then to be elected, the Returning Officer shall declare that the candidates are duly elected.

(6) Any person whose name appears on the register of voters for the City may object to the nomination of any candidate for election as not being duly qualified, and the Returning Officer shall decide the validity of every objection.

(7) The decision of the Returning Officer shall be subject to reversal on election petition.

Deposit by
candidates for
election.

30. (1) A candidate for election, or someone on his behalf, shall deposit with the Returning Officer on or before the date of his nomination, the sum of one hundred and twenty dollars, and if he fails to do so, he shall be deemed to have withdrawn.

(2) The deposit must be made in cash to the Returning Officer.

(3) If after the deposit is made the candidature is withdrawn not less than forty-eight hours before the poll is begun, the deposit shall be returned to the person to whom it was made; and if the candidate dies after the deposit is made and before poll is begun, the deposit, if made by him, shall be returned to his legal personal representative or, if not made by him, shall be returned to the person by whom it was made.

If votes do not
exceed one-sixth
of total votes
polled, deposit to
be forfeited.

31. (1) If a candidate who has made the deposit is not elected and the number of votes polled by him does not not exceed one-sixth of the total number of votes polled in the ward in which he is a candidate, the amount deposited shall be forfeited to the Roseau City Council; in any other case that amount shall be returned as soon as practicable after the result of the election is declared.

(2) For the purposes of this section the number of votes polled shall be deemed to be the number of the ballot papers (other than spoilt ballot papers) counted.

Conduct of poll.
[12 of 1990].

32. Subject to the provisions of this Act, the preliminary procedure leading to an election, the conduct of the poll and the determination of the result of the poll shall be governed by the law applicable in Guyana.

to the House of Assembly under the House of Assembly (Elections) Act, subject to such modifications as the Chief Elections Officer may consider necessary, save that the two candidates in each ward to whom the most votes have been given shall be declared to be elected as members of the Council. Ch. 2:01.

33. The provisions of Parts V, VI and VII of the House of Assembly (Elections) Act shall apply to elections under this Act *mutatis mutandis* as they apply to elections to the House of Assembly. Conduct of elections. Ch. 2:01.

PART IV

SUPPLEMENTAL PROVISIONS

34. Every person who is elected or nominated a member of the Council shall, previous to taking his seat, take before the Local Government Commissioner, a Justice of the Peace or the Chairman at a meeting of the Council an oath or affirmation in the following form: Oath or affirmation to be taken by members.

“I, do swear (or declare) that I will well and faithfully discharge the duties of a member of the Council of Roseau (So help me God).”

35. (1) If any vacancy occurs in the office of elected members of the Council, the electors in the ward in respect of which that vacancy occurs shall, on a day to be fixed by the Chief Elections Officer being within ninety days after the vacancy arises, and after the publication of due notice in the *Gazette* and in one of the newspapers published in the State, elect another person to fill the vacancy. Holding of election in case of vacancy on the Council.

(2) The election shall be held, and the voting and other proceedings shall be conducted, in the same manner and subject to the same rules and formalities as are hereinbefore provided in respect of the ordinary elections of members of the Council.

(3) Every member so elected shall hold office until the time at which the person in place of whom he is elected would regularly have gone out of office; but shall be eligible for re-election if he is qualified as herein provided.

36. (1) Every person who is elected as a member of the Council shall before voting or sitting thereat deliver to the Chairman of the Council a statement in writing signed by the member of his qualification in the form contained in Schedule A and shall sign the declaration in the form contained in that Schedule. Delivery by elected member of the Council of a statement of his qualification. Schedule A.

(2) Any person who in any such statement knowingly makes any false declaration of his qualification is liable on summary conviction to a fine of one thousand five hundred dollars.

Dissolution of
Council by
Minister when
default is made.

37. (1) If the Council in the judgment of the Minister persistently makes default in the performance of the duties by law imposed upon it, or exceeds or abuses its powers, the Minister may by Order dissolve the Council.

Consequences of
dissolution.

(2) In case of such dissolution, the following consequences shall ensue:

- (a) all members of the Council shall, from the date of the Order, vacate their offices as such members;
- (b) all powers and duties of the Council shall, until the constitution of a new Council under this Act, be exercised and performed by such person or persons as the Minister may appoint in that behalf, and any payment made to such person or persons for his or their services shall be a charge upon the city fund;
- (c) all property vested in the Council shall, during the period mentioned above, vest in the person or persons mentioned in paragraph (b) until the constitution of a new Council, whereupon all such property shall again become vested in the Council.

(3) An Order for dissolution shall make provision for the constitution under this Act of a new Council in lieu of the Council so dissolved within the period not exceeding ninety days from the date of the Order.

PART V

ADMINISTRATION AND GOVERNMENT OF THE CITY FUND

Payments of
moneys to
Council's bank
account for city
fund.

38. (1) All moneys due to the Council shall be paid to the Town Clerk, and such payments must be deposited in the Council's bank account at the National Commercial Bank or any other bank as the Council may from time to time determine.

Payments from
city fund.

(2) All payments from the city fund shall be made on the written order of the Town Clerk countersigned by the Chairman or other person designated by the Council.

39. The city fund shall be composed of moneys derived in the city from – Composition of city fund.

- (a) house and land rate imposed by this Act;
- (b) rates, taxes, dues and fees payable to the Council under this Act or any Rules or By-laws made thereunder;
- (c) fines for breaches of the By-laws of the Council;
- (d) moneys derived from the sale, hire or mortgage of properties vested in the Council;
- (e) all other sources from which the city fund may lawfully be derived, including any vote or contribution from the general revenue of the State.

40. (1) In or before the month of February in each year, the Council shall submit to the Minister an annual estimate of the anticipated expenditure of the Council in respect of the financial year commencing the 1st of July of that year. Preparation of estimates.

(2) The estimates shall, when approved by the Minister, be binding in their details upon the Council subject nevertheless to any addition, deletion, re-vote or transfer agreed to by resolution of the Council subsequent to the approval, which has been communicated to the Minister and approved by him.

41. The accounts of the Council shall be open at all reasonable times to inspection by the Minister or any person designated by him. Accounts open to inspection.

42. (1) The accounts of the Council shall be produced by the Town Clerk for audit by the Director of Audit at such time as the Director of Audit may from time to time require, and the accounts shall thereupon be audited by the Director of Audit. Audit of accounts.

(2) The Director of Audit shall make and sign a report upon the accounts at the end of every financial year and shall forward a duplicate of the accounts with the report thereon to the Minister and the Chairman of the Council. The said accounts shall be published in the *Gazette*.

43. For the purpose of any audit as mentioned above the Director of Audit may require the production before him of all books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers which he may think necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, Power of Director of Audit to call for books, etc.

vouchers, receipts, documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same.

Director of Audit
may enter office
of Council.

44. The Director of Audit may at all reasonable times enter any offices of the Council and have access to all books, deeds, contracts, accounts, vouchers, receipts and all other documents and papers.

Town Clerk to
furnish statement
of accounts.

45. (1) The Town Clerk shall furnish monthly to the Council a statement of the city fund and the same shall be published in the *Gazette*.

(2) Whenever called upon to do so by the Council the Town Clerk shall furnish an account showing the state of the city fund.

Interim
appropriation of
city fund
moneys.

46. The Town Clerk may on the recommendation of the Council invest any accumulation of the city fund in any manner approved by the Minister.

Payments from
city fund.

47. The debts of the Council shall be discharged from the city fund.

Appropriation of
money in
general.

48. All money raised under this Act shall be used exclusively for the purposes of this Act and the By-laws.

PART VI

LAND AND HOUSE RATE

Amount of land
and house rate.

49. (1) The Council shall twice in each year not later than 31st of January and 31st of July by resolution, declare that a rate not exceeding one and a quarter per cent on the value of all houses and lots of land in the City shall be leviable as house and land rate for the current year, and the resolution shall be published in the *Gazette* and in at least one of the newspapers in the State and the rates fixed in the resolutions shall be the rates leviable as house and land rate for the current year.

(2) No rate shall be imposed or charged on any public buildings, church, school, convent or buildings set apart and used as a residence for a minister of religion or the land recently occupied therewith except where in the case of any premises other than public buildings rent is paid to the owner of any such buildings when the owner shall pay the rates.

50. For the purpose of assessing the said rate, the Council may appoint two or more persons as valuers to prepare a valuation list of all premises upon which the rate is leviable; the valuation list shall be in the form prescribed in Schedule B, and may be prepared twice in each year, that is to say, not later than 31st of January and 31st of July.

Valuation list.

Schedule B.

51. For the purpose of making the valuation list the valuers with their assistants and servants may, at all reasonable times until the valuation list is completed, enter, view, examine, survey and measure all and every part of any rateable premises and to do or cause to be done any act or thing necessary.

Valuers may enter, examine lands, etc.

52. The Council and all and every person or persons shall give the valuers every facility by allowing them to inspect any books and take any copies or extracts or to do any other thing necessary to enable them to make the valuation list.

Valuers may inspect books, etc.

53. Within fourteen days after the valuers have valued the premises or revised the valuation they shall cause lists to be prepared of the valuation or revised valuation, and shall lodge a copy thereof with the Provost Marshal and shall cause the list to be published in the *Gazette* and one newspaper published in the State, and shall cause the list to be posted in a conspicuous place in the office of the Council.

Preparation and publication of valuation list.

54. Any person who may feel aggrieved by any valuation list on the ground of unfairness or incorrectness in the valuation of any premises included therein or of the inclusion therein or omission therefrom of any premises may, within fourteen days after the publication thereof as aforesaid, give to the Council a notice in writing of his objection specifying the grounds thereof, and, where the ground of any objection is unfairness or incorrectness in the valuation of any premises in respect of which any person other than the person objecting is liable to be valued, or the inclusion or omission therefrom of the premises, shall also give notice in writing of the objection and of the ground thereof to such person.

Objections to valuation list.

55. (1) After the expiration of the period provided in section 54 for making objections to the valuation list, the Council shall within thirty days fix a day for hearing the objections, and on the day so fixed, the Council, after hearing the interested parties in each objection, and the evidence that they may produce, shall determine the objections and correct the valuation list accordingly. The Council may adjourn or postpone the hearing or further hearing of any such objections.

Council to hear objections and

correct same.

(2) The valuation list as revised by the Council shall be signed by the Chairman and posted in a conspicuous place within the office of the Council and the Town Clerk shall cause a notice to be published in the *Gazette* and a newspaper published in the State, that the valuation list has been revised by the Council and may be seen at the office of the Council.

(3) The valuation list as revised by the Council shall be the finally revised valuation list.

Addition to
valuation list.

56. The Council may at any time, whenever it appears that the name of any owner or occupier of any premises has not been included in the valuation list, add his name thereto; and the Council shall give him notice in writing that his name has been inserted in the said list and the assessment made in respect of the premises of which he is owner or occupier, and he shall be at liberty to object to the said inclusion or valuation in the manner mentioned above.

Appeal to
Magistrate.

57. (1) Any party who is not satisfied with the decision of the Council on an objection may, within fourteen days from the date of the publication of the notice that the valuation list has been revised by the Council and posted, appeal to the Magistrate who shall hear and determine the appeal and his decision shall be final and conclusive.

(2) The Magistrate shall communicate to the appellant and to the Council his decision, and if the decision of the Magistrate requires the correction of the valuation list the Chairman shall correct the same accordingly and countersign the correction after adding the words "by decision of the Magistrate".

Incidence of rate.

58. (1) Every owner or occupier whose name appears in the finally revised valuation list shall pay land and house rate in accordance with the rate declared by the Council as mentioned above; and the collection thereof shall be in all respects in accordance with the provisions of the Collection of Taxes Act; and the Council may recover the amount of the said rate, and all extra charges due thereon by action at law at the suit of the Town Clerk.

Ch. 66:01.

(2) Where the rate payable in respect of any property under this Part is collected from and paid by any occupier who is not the owner of the property, the occupier may deduct the amount of the rate so paid from any rent payable by him in respect of the premises; and in the event of any action being brought by the owner of any such property for the

recovery of rent from any such occupier, the Court before which the action is brought shall allow to the occupier the amount so paid; but nothing herein contained shall affect any contract between landlord and tenant with respect to the payment of the rate.

(3) The rate shall be paid in the month of April and in the month of October in each year, and in the event of the rate not being paid as aforesaid, the following extra charges shall be made:

- (a) in the case of rates payable in April, if paid in May, and in the case of rates payable in October, if paid in November, a charge of twenty-five cents respectively;
- (b) in the case of rates payable in April, if paid in June, and in the case of rates payable in October, if paid in December, a charge of fifty cents respectively;
- (c) in either case if the rate is paid subsequent to the dates above-mentioned, a charge of seventy-five cents respectively.

59. The Council may remit wholly or in part any rate on the ground of the poverty of any person, or that the premises in respect of which the rate is payable has become deteriorated or is used exclusively for charitable purposes, or for any other good and sufficient reason.

Remission of rate
by Council.

PART VII MISCELLANEOUS

60. (1) Whenever any lot of land or house within the City is sold, transferred or removed, notice in writing of the sale, transfer or removal shall be given by the seller and the purchaser, transferee or person removing, as the case may be, to the Council within thirty days after the sale, transfer or removal, and in the case of removal of a house the notice shall specify the place to which the house has been removed.

Notice of transfer
or removal to be
given.

(2) The Council may disapprove the application for the removal of any house on which land or house rate has not been paid.

61. Any person who refuses or fails to comply with section 60(1) is liable on summary conviction to a fine of one hundred dollars and in default of payment to imprisonment for three months.

Penalty.

Boundaries.

62. (1) The boundaries of the City of Roseau are as follows:

NORTH: From the sea along Ravine Cocque to the source of Ravine Cocque.

EAST: A straight line from the source of Ravine Cocque to the Goodwill Reservoir at the junction of the Roseau River and River Claire; thence along the Roseau River and River Douce to the Roseau Reservoir; thence in a straight line to Riviere Canari near the Old Mill at Castle Comfort.

SOUTH: River Canari from a point near the Old Mill at Castle Comfort to the sea.

WEST: The Sea.

(2) The Council may reduce, extend or vary the said boundaries by resolution subject to the approval of the House of Assembly.

Penalty for offences under this Act.

63. (1) Every person who is guilty of any offence against this Act or against any Rules, Regulations or By-laws of the Council, for which no other penalty is provided shall, on being convicted thereof before a Magistrate, be liable to a fine of two hundred dollars and in default of payment, to imprisonment for six months.

Proceedings how instituted.

(2) Every proceeding instituted against such offender shall be taken in the name and at the instance of the Town Clerk.

Date of first election.

***64.** The first election under this Act shall take place on 31st of May, 1982.

Term of office of Council.

65. The term of office of each Council shall unless sooner dissolved, be of three years duration, and the first Council elected under this Act shall commence its term of office on 1st July, 1982.

* See Note on Extension of Term of Office on page 2.

SCHEDULE A

(Section 36).

**FORM OF STATEMENT OF QUALIFICATION OF
PERSON ELECTED TO BE A MEMBER OF THE
ROSEAU CITY COUNCIL**

Qualification of of elected to be a member
of the Roseau City Council in the year 19

I hereby declare that I possess the following qualifications:

- (a) I am a citizen of the Commonwealth of Dominica;
- (b) I have attained the age of eighteen years; and
- (c) I am resident in the city of Roseau and have been so resident for
a period of not less than six months immediately prior to the date
of nomination.

Dated the day of, 19

(Signed)

(Address)

SCHEDULE B

(Section 50).

**LIST OF LANDS, TENEMENTS AND HEREDITAMENTS WITHIN
MUNICIPAL LIMITS IN RESPECT OF WHICH LAND AND HOUSE
RATE IS PAYABLE**

Assessment No.	Name of Owner Occupier of property	Name, extent situation of property	Description, number and size of build- ing, if any	Valuation

(Section 3(3)).

SCHEDULE C

WARD 1 : Comprising: Citronier, Newtown, Kings Hill, The Morne, Elmshall, High Street/Turkey Lane area and Fortune.

NORTH : From the sea at Bell's Jetty thence along Victoria Street to Turkey Lane, thence along Turkey Lane, thence along Queen Mary Street to King George V Street, thence along King George V Street to Valley Road thence along Valley Road to the Bath Estate bridge, thence along the Roseau River to the confluence of the Roseau River and River Douce, thence along River Douce to the Roseau reservoir.

EAST : From the Roseau reservoir in a straight line to River Canari near the Castle Comfort factory.

SOUTH : River Canari.

WEST : The Sea.

WARD 2 : Comprising: The rest of the Roseau Central Constituency and Bath Estate.

NORTH : From the sea along the Roseau River up to the Bath Estate factory, thence along the cliffs separating Goodwill from Bath Estate, thence along the cliffs separating St. Aroment from Bath Estate up to the boundary of the City of Roseau at Morne Louis.

EAST : A straight line from the boundary of the City of Roseau from the Morne Louis area to Goodwill reservoir at the junction of Roseau River and River Claire.

SOUTH : The northern boundary of Ward 1 from the sea to the junction of Roseau River and River Douce thence along Roseau River to the Goodwill reservoir.

WEST : The Sea.

WARD 3 : Comprising: Lower and Upper Goodwill and St. Aroment.

NORTH : From the junction of Goodwill Road and Charles Avenue along the northern boundary of the Princess Margaret Hospital compound, thence along the western boundary of the Princess Margaret Hospital compound thence along the northern boundary of the Princess Margaret Hospital compound thence along the top of the steep drop separating the Goodwill Housing Scheme from the southern banks of Gutter

Ravine, thence along the cliffs separating the Goodwill and St. Aroment Housing Schemes from the southern banks of Gutter Ravine to the eastern boundary of the City of Roseau at St. Aroment.

- EAST : The eastern boundary of the City of Roseau from St. Aroment to Morne Louis.
- SOUTH : The northern boundary of Ward 2.
- WEST : From the bridge along Goodwill Road to Potter Street, thence northerly along Potter Street to the Goodwill Savannah to Goodwill Road, thence along Goodwill Road to the junction of Charles Avenue and Goodwill Road.

WARD 4: Comprising: Pottersville, Gutter area, Fond Cole, Stock Farm area below Princess Margaret Hospital; Glasgow Ridge.

- NORTH : From the sea along Ravine Cocque to the source of Ravine Cocque.
- EAST : A straight line along the boundary of the City of Roseau from the source of Ravine Cocque to St. Aroment.
- SOUTH : From the sea along the Roseau River to the old bridge, thence along Goodwill Road to Potter Street, thence along Potter Street to the Goodwill Savannah, thence along the southern boundary of the Goodwill Savannah to the Goodwill Road, thence along the Goodwill Road to the junction of Goodwill Road and Charles Avenue, thence along Charles Avenue to the western boundary of the Princess Margaret Hospital compound, thence along the western boundary of the Princess Margaret Hospital compound, thence along the northern boundary of the Princess Margaret Hospital compound, thence along the top of the steep drop separating the Goodwill Housing Scheme from the southern banks of Gutter Ravine, thence along the cliffs separating the Goodwill and St. Aroment Housing Schemes from the southern banks of Gutter Ravine, thence to the eastern boundary of the City of Roseau at St. Aroment.
- WEST : The Sea.
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