

## CHAPTER 44

### THE BARBUDA LOCAL GOVERNMENT ACT

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## BARBUDALOCALGOVERNMENT

(23rd December, 1976.)

15/1976.  
6/1979.  
3/1981.

## PART I

*Preliminary*

1. This Act may be cited as the Barbuda Local Government Act.

Short title.

2. In this Act, unless the context otherwise requires —  
"Barbuda" or "the Island" means the Island of Barbuda;

Interpretation.

"Chairman" includes a temporary and an acting Chairman;

"the Council" means the Barbuda Council established under the provisions of section 3;

"election" means an election of a member or members of the Council;

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"existing by-laws" means by-laws under the Barbuda Act, and specified in the Schedule hereto;

"public office" and "public officer" shall have the same meaning as that assigned to them in section 127 (1) of the Constitution;

"the Minister" means the Minister of Finance;

"the Secretary" means the person appointed under section 30 to be Secretary of the Council.

## PART II

### *Establishment and Composition of Council*

Establishment of Council.

**3.** (1) For the purposes of this Act there shall be established a Council for Barbuda (in this Act referred to as "the Council") which shall administer the system of local Government for the Island constituted by this Act.

(2) The Council shall be a body corporate by the name of "the Barbuda Council" with perpetual succession and a common seal, and power to purchase, acquire, hold, mortgage and dispose of land and other property.

(3) The Island shall be subject to the jurisdiction of the Council which is hereby invested with the powers set out in this Act.

(4) The Council shall be entitled to make contracts and may sue and be sued by the name of "The Barbuda Council", and may for all purposes be described by that name; and service on the Council of all legal processes and notices shall be effected by service on the Secretary at the office of the Council.

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(5) The Council shall have an official seal which shall be judicially noticed and shall be authenticated by the signature of the Secretary; and any document purporting to be sealed with the said seal so authenticated shall be receivable in evidence of the particulars so stated in that document.

(6) Until the Council obtains a seal in accordance with the provisions of subsection (5), a rubber stamp bearing the corporate name of the Council and authenticated as aforesaid may be used instead of such seal.

**4.** (1) The Council shall consist of the following persons, that is to say— **Composition of Council.**

(a) the member of the House of Representatives for the constituency of Barbuda;

(b) a member of the Senate who possesses the qualifications specified in subsection (1) of section 6; and

(c) nine elected members.

(2) When the Council first meets after this Act comes into force, and in January of every year, before it proceeds to the despatch of any other business, it shall elect two members to be the Chairman and Deputy Chairman respectively of the Council:

Provided that in any year where an election is held pursuant to section 14 of this Act, the election of a Chairman and Deputy Chairman shall take place at the first meeting after that election.

(3) For the purposes of subsection (2) the member referred to in paragraph (a) of subsection (1) shall preside at the meeting of the Council until a Chairman and Deputy Chairman are chosen.

**5.** (1) If during the life of the Council the Chairman or Deputy Chairman resigns or dies or is disqualified from being a member of the Council the members shall elect a Chairman or a Deputy Chairman, as the case may be, to fill the vacancy thus created. **Election of Chairman etc.**

(2) The Deputy Chairman of the Council shall act as Chairman in the absence of the Chairman from any meeting, and if both the Chairman and Deputy Chairman are absent, the members present may elect a temporary Chairman from among themselves for the purpose of that meeting.

## PART III

## Membership of the Council

Qualifications for membership of the Council.

**6.** (1) Subject to the provisions of subsection (2) a person shall be qualified to be elected as a member of the Council if—

(a) he is a Commonwealth citizen of the age of eighteen years and upwards; and

(b) was born in Barbuda, or is the child of parents at least one of whom was born in Barbuda, or has resided in Barbuda for a period of not less than three years immediately before the date of his nomination for election; and

(c) is not disqualified from being elected a member of the Council; and

(d) is ordinarily resident in Barbuda, and

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(e) is a registered voter under the Representation of the People Act.

(2) A person shall be disqualified from being elected as a member of the Council who—

(a) is by virtue of his own act under any acknowledgement of allegiance, obedience or adherence to a foreign power or state; or

(b) is an undischarged bankrupt having been so adjudged or declared bankrupt in Antigua and Barbuda; or

(c) is certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Antigua and Barbuda; or

(d) is under sentence of death imposed on him by a court or has been sentenced to imprisonment (by whatever name called) for a term of or exceeding twelve

months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor, or received a free pardon; or

(e) holds or is acting in any paid office or other place of profit in the gift or disposal of the Council; or

(f) is disqualified from being elected or being a member of the Council under any provisions of this Act or any other Act relating to corrupt or illegal practices; or

(g) holds or is acting in any public office; or

(h) belongs to any of the Armed Forces of the Crown or to the Police Force; or

(i) subject to any exemptions or limitations prescribed by the Legislature, has any such interest in any such contract with the Council as may be so prescribed; or

(j) ceases to be a Commonwealth citizen; or

(k) is a minister of religion.

**7.** If any elected member of the Council is absent from any three consecutive meetings of the Council without the leave of the Chairman, or is absent from Antigua and Barbuda for more than sixty days without such leave, or if any circumstances arise that, if he were not such a member, would cause him to be disqualified for election, he shall cease to be a member and his seat shall thereupon become vacant; and the Chairman shall without undue delay inform the Minister and the Supervisor of Elections in writing of the vacancy.

**Forfeiture of seat.**

**8.** Any member of the Council may resign his seat by writing under his hand addressed to the Chairman or, in the case of the Chairman, by writing under his hand addressed to the Secretary.

**Resignation of member.**

**9.** (1) Should a vacancy arise among the elected members of the Council, whether through death, resignation or any other cause a by-election for the purpose of filling

**Vacancies and by-elections.**

the vacant seat shall be held on such date as the Governor-General may appoint under paragraph (c) of subsection (1) of section 13.

(2) Upon the holding of a by-election to fill a vacancy as in subsection (1) provided, the member elected in such by-election shall hold his seat in the Council for so long only as the member whose place he has filled would have held such seat had such vacancy not occurred.

#### PART IV

##### *Elections*

**Supervisor of Elections.**

**10.** (1) The Governor-General shall appoint some fit and proper person to be Supervisor of Elections.

(2) The Supervisor of Elections shall have charge of and exercise general supervision over the conduct of elections.

**Returning Officers etc.**

**11.** The Supervisor of Elections may appoint such Returning Officers, Presiding Officers and Poll Clerks as may from time to time be necessary for the conduct of elections.

**Electoral lists.**

**12.** (1) The register of electors for an election shall be the register used for the purpose of the election to the House of Representatives of the member for the constituency of Barbuda.

(2) Any person whose name appears on the said register shall be entitled to vote in the election of a member to the Council.

**Elections.**

**13.** (1) The Governor-General shall fix a date for the holding of—

(a) the first election under this Act;

(b) an election for the purposes of subsections (1) and (2) of section 14;



(c) a by-election following upon a vacancy among the elected members of the Council, so however that such date shall not be more than five weeks after the vacancy arose; and

(d) any election following upon a dissolution of the Council; provided that such date shall not be more than eight weeks after the said dissolution.

(2) When a date has been fixed by the Governor-General pursuant to subsection (1) for the holding of an election the Supervisor of Elections shall without delay cause notices announcing the same to be published in the *Gazette* and posted on the outer doors of the office of the Council, and of any church with the permission of the Minister in charge thereof, and of any police station and Government School, and in any other conspicuous places he shall think fit for a period of at least ten days before the date fixed for such election.

(3) Ten days before the date fixed for an election or by-election the Returning Officer shall attend at ten o'clock in the morning until one o'clock in the afternoon of the same day at the office of the Council and shall receive the nominations of persons qualified for election as members of the Council. Each candidate shall be proposed and seconded by at least two duly registered voters.

(4) If at one o'clock in the afternoon the number of candidates who have been validly nominated are equal to or less than the number of seats to be filled, the Returning Officer shall as soon as possible thereafter publicly declare those candidates to be duly elected and shall immediately notify the results of such election in writing to the Supervisor of Elections, and to the Secretary in any case where the Secretary is not himself the Supervisor of Elections.

(5) Where, pursuant to subsection (4) the notification to the Supervisor of Elections is to the effect that after declaring those candidates validly nominated to be duly elected,

a number of seats still remain to be filled, a fresh election shall be held on such date as the Governor-General may appoint, within a period of five weeks from the date on which the previous election had been fixed to take place, for the purpose of electing to the Council a sufficient number of candidates to fill the vacant seats. If at such fresh election the said seats still remain unfilled, the Governor-General shall appoint persons duly qualified for membership of the Council to fill the vacant seats and such persons shall be deemed to be elected members of the Council.

(6) If there shall be more candidates validly nominated than the number of seats to be filled, a poll shall be taken and in such case the Returning Officer shall adjourn the taking of the poll to the date which was fixed for the holding of the election.

(7) On the date fixed for the election under the provisions of this section, the Presiding Officer shall attend at the place set apart for such election, and there between the hours of seven o'clock in the morning and six o'clock in the afternoon, he shall receive and record the votes of those duly qualified to vote at such election:

Provided that the Supervisor of Elections may, if he considers it desirable so to do, establish several polling stations each with its own Presiding Officer.

(8) Voting shall be by secret ballot and as soon as possible after the close of the polls the Returning Officer shall count the votes validly cast; the candidates or their duly authorised agents, not being more than one for each absent candidate, being then present if they so elect. The Returning Officer shall then publicly declare the persons having the largest number of valid notes to be duly elected members of the Council according to the number of seats to be filled.

(9) Whenever there is an equality of valid votes between two or more candidates, the Returning Officer shall make a special return of the results of the election to the Secretary, and the Council shall have the right by resolution to choose one of such candidates to be the member of the Council.

(10) The procedure for the election of a member in a by-election shall be the same as for an ordinary election.

**14.** (1) At the expiration of a period of two years after the first election under this Act, the four members elected by the smallest number of votes shall retire from office but shall be eligible for re-election and an election shall be held on such date as the Governor-General may appoint within a period of eight weeks from the date of retirement of the members for the purpose of filling the seats left vacant by the said members.

Retirement, re-election and tenure of Office of elected members.

(2) The next election under this section shall take place at the expiration of two years after the election held pursuant to subsection (1), when the five elected members who had hitherto not retired shall retire from office but shall be eligible for re-election; thereafter, subsequent elections shall be held at regular intervals of two years between each election, and the members shall retire in rotation at each alternate election in groups of four or five as may be appropriate, so however that each retiring group of members shall always be eligible for re-election.

(3) Subject to the provisions of subsection (1) the tenure of office of an elected member of the Council shall be four years.

**15.** The Council may at any time be dissolved at its own request signified by a resolution supported by a two-thirds majority of its members.

Dissolution of the Council.

**16.** The Cabinet may make rules to regulate the conduct of elections under this Act, and until such rules have been made, the Elections Rules contained in the First Schedule to the Representation of the People Act, shall apply *mutatis mutandis* to elections and by-elections held under this Act.

Rules.

Cap. 379.

**17.** (1) A petition complaining of an undue return or undue election of a member of the Council (in this section called an election petition) shall be presented and dealt with *mutatis mutandis* in accordance with Part III of the Representation of the People Act.

Election petitions.

Cap. 379.

(2) An election petition may be presented by any one or more of the following persons, that is to say—

(a) some person who voted or had a right to vote at the election to which the petition relates;

(b) some person claiming to have been a candidate at such election.

## PART V

### *Functions and Powers of the Council*

Functions, powers  
and duties of  
Council.

**1** (1) The Cabinet may, save as respects the matters and things specified in subsection (2) of this section, give general or special directions to the Council as to the policy the Council should follow in the exercise of the powers and functions of the Council under this Act or any other law.

(2) In the exercise by the Council of its powers and functions under this Act it shall be the responsibility and duty of the Council—

(a) to administer agriculture and forestry;

(b) to administer public health, medical and sanitary facilities and services;

(c) to administer and regulate the provision of electricity and water services and other public utilities;

(d) to construct, improve and maintain roads;

(e) to raise and collect revenue pursuant to the provisions of this Act to enable the Council to meet expenses necessarily incurred or to be incurred in the performance of its powers and functions under this subsection except to the extent that financial provision in that behalf may be made from time to time by Parliament.

(3) Subject to the provisions of subsection (1) of this section, it shall be the general duty of the Council—

(a) further to the provisions of subsection (2) (e) of this section, to provide for the collection and expenditure for the benefit and improvement of Barbuda of

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all monies authorised by law to be raised for that purpose; and

(b) to enforce the provisions of this Act.

(4) Subject to the provisions of subsection (1) of this section and without prejudice to the generality of the other provisions of this section, it shall, further to the provisions of subsection (2) of this section, be the duty of the Council—

(a) to improve and maintain public buildings, wharves and harbour facilities;

(b) to promote hotel and tourist development in accordance with and subject to any law relating to the alienation of land, foreign investment or tax incentives;

(c) to administer fisheries;

(d) to arrange for the protection and care of public buildings;

(e) to apply the net amount of all monies collected, in paying all expenses incurred by the Council under this Act or any other law, and also in repairing, cleansing, draining and otherwise maintaining in good order such roads and other public places, such water works, buildings and works, as may belong to the Council or as may from time to time be transferred to it, and also in payment of any other expenditure required by this Act or any other law;

(f) to keep accounts of all assessments made and monies collected and disbursement paid by the Council;

(g) to deliver copies or abstracts of all such accounts, at least once each year, to the Director of Audit who shall forthwith forward to the Minister one copy thereof, and the Minister shall within one month of the receipt of the same lay it before the House of Representatives;

(h) to make detailed lists of houses and lots of land in Barbuda, and of the owners and occupants thereof, and to deliver copies thereof to the Minister;

(i) to perform such other duties as may be required under this Act or any by-laws made thereunder.

(5) Where in the opinion of a relevant authority the co-operation and assistance of the Council would facilitate the implementation or execution of any public business that is the responsibility of that relevant authority under and by virtue of the Constitution, this Act or any other law, it shall be lawful for the relevant authority to consult the Council in the matter and, in that event, the Council shall render all possible assistance to the relevant authority in the implementation or execution of such public business.

(6) Where in the opinion of the Council the co-operation and assistance of a relevant authority are required to enable the Council to discharge any of its powers, functions or duties under this Act, it shall be lawful for the Council to consult with that relevant authority in the matter and, in that event, the relevant authority shall render all possible assistance to the Council in the discharge of such powers, functions or duties.

(7) In this section, "relevant authority" means a Ministry or Department of the Government and any authority or body established under and by virtue of the Constitution, this Act or any other law.

Power to make  
by-laws.

**19.** (1) The Council shall have power to make by-laws, which shall be authenticated by the signatures of the Chairman and the Secretary, with respect to the following matters—

- (i) the times and mode of convening meetings, the attendance of members and the form and order of debates thereat, the appointment and constitution of committees, the regulation of the proceedings of committees, and the conduct of the business of the Council and its committees;
- (ii) the naming, cleaning regularly, and width of streets and roads and the maintenance of such village or minor roads or other roads placed under the control of the Council;
- (iii) the management and removal of sewerage matter and the suppression, abatement, removal or discontinuance of any nuisance;

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- (iv) the collection and removal of household refuse from premises, and the cleanliness of public places or places of public resort;
  - (v) the keeping of animals, birds, and beasts, and the destruction of insects as well as the importation and exportation of livestock, and the number and kinds thereof allowed to be kept by any one person;
  - (vi) establishing and regulating pounds and providing for the imposition of pound fees;
  - (vii) establishing and regulating markets and slaughter-houses and regulating market dues and the fees for fairs, sales, and the hawking of livestock, produce or any goods whatsoever;
  - (viii) the slaughtering of animals whose flesh is intended to be offered for sale for food, and the inspection and sale of livestock, meat, fish, vegetables and other food-stuffs and of liquids intended for human consumption;
  - (ix) the establishment and regulation of public bath houses, public washing places and public conveniences and other sanitary matters;
  - (x) the siting, regulation and upkeep of public cemeteries and the imposition of fees for the opening of graves, interments and the erection of monuments in such cemeteries;
  - (xi) the construction of buildings to be used as cinemas, the licence fees to be paid for the same and for public entertainment and performances;
  - (xii) the management and control of public cultural institutions, public parks and other places of public recreation;
  - (xiii) regulating the storing and sale of dangerous or inflammable substances;
  - (xiv) the provision of guides for tourists and the prevention of annoyance to tourists by beggars and idlers;

- (xv) the provision of water tanks or other receptacles for the collection and storage of rain water on any premises whether the same be in existence or are intended to be erected;
- (xvi) regulating any other public utilities which may from time to time be established by the Council or be handed over to the Council by the Government, by any other organisation, or by any person; and the levying and collection of fees, rates and charges therefor;
- (xvii) regulating traffic on streets and roads subject to the provisions of the Vehicles and Road Traffic Act and of any regulations made thereunder;
- (xviii) the control of and the imposition of fees, rates and taxes on—
  - (a) mobile refreshment vans and carts;
  - (b) itinerant traders and vendors;
  - (c) aerated water factories;
  - (d) restaurants and other eating places;
- (xix) the regulation and control of unoccupied building lots;
- (xx) the levying and collecting of rates and taxes on all buildings and land in the Island save and except buildings and land vested in Her Majesty the Queen for the purposes of the Government;
- (xxi) provision grounds;
- (xxii) protection against fire;
- (xxiii) prohibition and restriction of importation of cotton seed from the Island of Antigua;
- (xxiv) infectious diseases;
- (xxv) wood cutting and charcoal burning and lime burning;
- (xxvi) shooting deer and other game;
- (xxvii) dog, boat and livestock licences;



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- (xxviii) liquor licences;
  - (xxix) tanning and other industries;
  - (xxx) highways and enclosures;
  - (xxxi) coasting trade;
  - (xxxii) fishing;
  - (xxxiii) the purchase and sale of hides and meat, cotton, corn and crops generally;
  - (xxxiv) lighting;
  - (xxxv) the height to which the ground of buildings shall be raised above the ground;
  - (xxxvi) the minimum size and the ventilation of each room in a dwelling house, and the number of persons who may inhabit such dwelling house;
  - (xxxvii) the area or space to be secured around each building;
  - (xxxviii) the line of buildings abutting or otherwise on any highway or path;
  - (xxxix) the numbering of buildings and building lots, the structure and material of walls, foundations, and roofs of new buildings, the method of repairing or rebuilding old buildings with special regard to the materials used in such repairs, and the closing, removal or demolition of old or dangerous buildings.

(2) Notwithstanding the provisions of the Public Utilities Act, the Council may make by-laws with respect to the following matters— Cap. 359.

(a) regulating the supply and distribution of water for sanitary, domestic and business purposes to any premises in the island;

(b) preventing the waste and pollution of such water;

(c) regulating the supply and distribution of electricity to any premises in the island;

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(d) the imposition of rates for the supply of water and electricity to any premises, the collection of such rates, and the method of recovery of arrears of rates from persons who have defaulted in payment thereof.

(3) By-laws made under this section and duly published in the *Gazette* shall have full force and effect within Barbuda, but except where specifically or by necessary implication provided under this Act or any other law from time to time in force in Antigua and Barbuda shall only operate in addition to and not in derogation of any other law of Antigua and Barbuda or of any power conferred by any other law upon any person or authority and exercisable with respect to Antigua and Barbuda:

Provided that before the Council makes a by-law under this section it shall cause a copy of the proposed by-law to be published in three successive issues of the *Gazette*.

(4) By-laws made under subsection (1) may provide for any infringement thereof or failure to comply therewith a penalty not exceeding two hundred and fifty dollars or three months imprisonment on summary conviction.

(5) Subject to subsection (2) every by-law, being consistent with the provisions of this Act, and not repugnant to any law in force in Antigua and Barbuda shall have the force and effect of the law.

(6) By-laws made under this section shall bear the caption "A Barbuda By-law".

(7) The power conferred on the Council by this section to make by-laws shall include the power to amend or revoke existing by-laws.

**Borrowing  
powers of  
Council.**

**20.** (1) Subject to the provisions of subsection (2) of this section, with the sanction of the Cabinet and a resolution of Parliament, the Council may borrow, on such terms and on such security as the Cabinet shall deem fit, any sum or sums of money for the purpose of exercising or performing any of the functions or duties of the Council under this Act or any other law.

(2) Where for the purpose specified in subsection (1) of this section the Council proposes to approach any person, body or authority outside Antigua and Barbuda for the purpose of borrowing or otherwise obtaining any sum or sums of money for financial aid or assistance for Barbuda, the Council shall, in the first place, inform the Cabinet of the proposal and if, in the opinion of the Cabinet, the proposal does not adversely affect the constitutional or legal responsibilities of the Government or its relations with other Governments, the Cabinet shall so inform the Council and thereafter the Council may make the approach; otherwise the approach shall not be made.

**21.** (1) The Council may, with the sanction of the Cabinet, acquire by lease or purchase lands and buildings for any purpose of public utility, and in particular for the purpose of water works, markets, streets, roads, parks and places of recreation.

Power to acquire land etc.

(2) The Council may accept, hold and administer any gift or property for any public purpose, or for the benefit of the inhabitants of Barbuda or any part thereof and may execute any works (including works of maintenance and improvement) incidental to or consequential on the exercise of the powers conferred under this subsection.

## PART VI

### *Financial*

**22.** (1) All monies due to the Council shall be paid to the Secretary and shall be placed in a Deposit Account maintained for this purpose at a bank approved by the Cabinet.

Revenue and expenditure to be accounted for.

(2) All monies in the Deposit Account in excess of that required to meet approved expenditure for any year shall be paid to the Accountant General to be lodged in a Special Account at the Treasury.

(3) All payments from the Deposit Account shall be made under the written authority of the Secretary countersigned by the Chairman, or in the absence of the Chairman by the Deputy Chairman or some other member duly authorised by resolution of the Council for that purpose.

Use of money in  
Special Account

**23.** Where any money has been lodged in the Special Account at the Treasury referred to in subsection (2) of section 22 of this Act then, subject to subsection (3) of that section and with the approval of Parliament, that money shall be used and applied by the Council for the following purposes and no other, that is to say—

(a) defraying deficits on annual estimates of revenue and expenditure of the Council as well as deficits on accounts of annual revenue and expenditure of the Council not included in the annual estimates but arising out of transactions relating to any power, function or duty of the Council under this Act or any other law; and

(b) defraying deficits on accounts of the Council for capital projects proposed by the Council in pursuance of the powers, functions and duties of the Council under this Act or any other law.

Sources of  
revenue.

**24.** (1) Notwithstanding the provisions of the laws specified in subsection (2) as regards the persons by whom the various charges, duties, dues, licence fees, taxes, levies, or imports therein mentioned and by whatever name called are to be collected, or to whom they are to be paid, the Council is hereby authorised to collect for its own use the aforesaid taxes and other dues imposed by the said laws in respect of transactions carried out within the Island.

(2) The laws referred to in subsection (1) are—

- |           |                                             |
|-----------|---------------------------------------------|
| Cap. 162. | (a) The Export Duty Act                     |
| Cap. 158. | (b) The Excise Act                          |
| Cap. 434. | (c) The Trade Licences Act                  |
| Cap. 431. | (d) The Tonnage Duties Act                  |
| Cap. 430. | (e) The Tobacco Control Act                 |
| Cap. 470. | (f) The Weights and Measures Act            |
| Cap. 249. | (g) The Licensing (Intoxicating Liquor) Act |
| Cap. 205. | (h) The Hotels Tax Act                      |
| Cap. 146. | (i) The Embarkation Tax Act                 |

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(j) The Vehicles and Road Traffic Act

Cap. 460.

(3) Other sources from which the Council may derive revenue shall include—

(a) monies from the sale, rental, lease or mortgage of all properties vested in the Council:

Provided however that the Council shall not have power to sell any land vested in it except with the consent of the Cabinet;

(b) any vote, contribution, or grant in aid of administration made to the Council from time to time by the Government.

(4) The Council after consultation with the Minister of Finance, may submit to the Minister by way of resolution duly passed by the Council, recommendations for the imposition of new forms of taxation; and whenever the Minister shall approve of any such recommendations, he shall without delay seek approval of the Cabinet for the passage of the necessary legislation authorising the Council to make by-laws to give effect to the recommendations.

**25.** (1) Estimates of revenue and expenditure for any year shall be prepared annually by the Council and submitted to the Minister before the thirty-first day of July in the preceding year for the approval of Parliament. **Estimates.**

(2) The estimates for any year submitted pursuant to subsection (1) of this section shall show under separate heads for the several services required the total sums proposed to be expended for the purposes of the exercise by the Council of its powers and functions under this Act or any other law whether or not the Cabinet may, under this Act or any other law, be empowered to give general or special directions to the Council as to the policy the Council should follow in the exercise of those powers and functions.

(3) If in the opinion of the Council the estimates submitted pursuant to subsection (1) of this section should be varied after the estimates have been approved by Parliament, the Council may, not later than three months after such

approval, submit to the Minister for the approval of Parliament applications in writing for the estimates to be varied specifying in those applications the reasons for and the nature and extent of the variations.

**Provision of services to Council by Government.**

**26.** Where the Government makes available to or provides services in and for Barbuda pursuant to the provisions of this Act, it shall be the duty of the Council to contribute to the revenue of the Government by paying the total cost of and for such services into the general revenue; such costs to be determined by Cabinet with the concurrence of the Council.

**Accounts.**

**27.** (1) The Council shall prepare and submit to the Director of Audit and to the Ministry of Finance in the month of March in every year a Financial Statement in duplicate of its accounts for the previous year.

(2) After the completion of the audit the Director of Audit shall report thereon and shall send a copy of his report to the Minister and to the Council respectively. The Minister shall cause his copy of the report to be laid before the House of Representatives as soon as possible after he has received the same and the Council shall consider the report at its next meeting or as soon as practicable thereafter.

(3) The Accounts of the Council shall be open at all times for inspection by the Director of Audit, any member of his staff, or any member of the Council.

**Remission of Fees etc.**

**28.** The Council may authorise for good cause the remission of any fees or other charges imposed under the provisions of this Act or any by-laws made thereunder.

**Property of Council.**

**29.** (1) All rents, fees, charges or other monies whatsoever receivable by or payable to the Council shall be deemed to be the property of the Council.

(2) All property whether movable or immovable, real or personal belonging to the Council shall be vested in the Council.

(3) In any civil or criminal proceedings in respect of any monies or other property whatsoever belonging to the Council, it shall be sufficient to describe the same as being the monies or property of the Barbuda Council.

## PART VII

### *Secretary, Other Staff, and Public Officers*

**30.** (1) There shall be a Secretary of the Council who shall be appointed by the Council. **Secretary and other staff of the Council.**

(2) The Secretary and other staff of the Council who are appointed by the Council shall be solely responsible to the Council in the performance of their functions and duties under this Act.

(3) It shall be lawful for the Council to appoint as members of the staff of the Council persons who are not public officers.

(4) The payment of salaries of the Secretary and other members of the staff of the Council appointed under this section shall, subject to such financial provision as may be made in that behalf by Parliament from time to time, be the responsibility of the Council.

**31.** (1) Where the Council desires the services of any public officer on their staff, the Council may make a direct request to the Public Service Commission for the appointment of such public officer and thereupon the Public Service Commission shall notify the Secretary to the Cabinet of that request. **Public Officers.**

(2) Before making any appointment pursuant to this section, the Public Service Commission shall consult the Council.

(3) Public Officers appointed pursuant to this section whose duties include supervisory or executive functions in respect of any duties imposed on the Council by this Act or any other law shall be directly responsible to the Council during such time as they may be performing such duties.

Duties and  
Powers of  
Secretary.

**32.** (1) The Secretary who shall be the Chief Executive Officer of the Council shall be responsible to the Council in the performance of his duties as such. He shall have all such powers and perform all such duties as may be conferred or imposed on him by this Act or any other law, or by any by-law of the Council.

(2) The Secretary shall—

(a) maintain a vote book in which shall be entered all receipts and payments in accordance with the entries made in the Deposit Account of the Council;

(b) prepare and submit to the Minister—

(i) the annual estimates of revenue and expenditure approved by the Council; and

(ii) any application for variation of those estimates pursuant to subsection (3) of section 25 of this Act;

(c) make all necessary arrangements for the holding of meetings of the Council and committees thereof;

(d) attend all meetings of the Council and every committee thereof and keep the minutes at all such meetings.

Casual workers.

**33.** The Council may employ directly such casual workers as may be required to carry out the functions for which it is made responsible by this Act or any other law, and shall be liable for the payment of their wages.

## PART VIII

### Council Meetings and Procedure Thereat

Meetings of  
Council.

**34.** (1) The Council shall meet at least once in each quarter, and at such times as may be fixed by by-laws of the Council or when convened by the Chairman. Committee meetings of the Council shall be held at such times as the Secretary or the Chairman of such committees shall deem necessary.



(2) All meetings of the Council shall be open to the public except that the Chairman may order the removal of any person or persons for disorderly conduct or obstruction of the proceedings of the Council.

(3) If any five members of the Council present to the Chairman a request in writing that the Council should be convened for the consideration of some particular matter, it shall be the duty of the Chairman to have the Council convened accordingly without delay.

(4) Six members shall form a quorum at any meeting of the Council.

**35.** (1) Subject to section 15 every question before the Council or any committee thereof shall be decided by a majority of the votes of the members present and voting thereon. Decisions and casting votes.

(2) In any matter to be decided by a vote at a meeting of the Council or a committee thereof, the Chairman of the Council or of the Committee, as the case may be, shall have an original vote and, in the event of an equality of votes, he shall have a second or casting vote.

**36.** The proceedings of the Council or of a committee thereof shall not be invalidated by reason of any vacancy in the membership thereof (including any vacancy not filled when the Council is first constituted or is reconstituted at any time), and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted. Validity of proceedings.

**37.** If any member of the Council or of any committee thereof has any pecuniary interest, direct or indirect, by himself or his partner in any contract, proposed contract or other matter, and is present at a meeting of the Council or a committee at which the matter is to be considered, he shall at that meeting disclose the fact of his interest and shall not take part in any consideration or discussion of such matter nor vote on any question with respect thereto; and shall withdraw from the meeting during such consideration or discussion. Members pecuniary Interests.

**Committees.**

**38.** (1) At its first meeting in each year, the Council shall appoint a Finance Committee, a Works and General Purposes Committee and a Health and Social Welfare Committee. A member of the Council may be appointed to more than one committee.

(2) The Council may appoint such other committees as it may think fit for any general or special purposes.

(3) The Council may delegate to a Committee so appointed, with or without conditions or restrictions as it thinks fit, any functions exercisable by the Council other than the power to make by-laws, raise revenue, approve the annual estimates or borrow money.

## PART IX

*Assessments***Power of entry to assess premises for rates and taxes.**

**39.** (1) Any servant or agent of the Council may at all reasonable hours in the day time and after giving not less than twenty-four hours notice enter into any building or lot a land for the purpose of assessing the same for water or electricity rates, or for house or land taxes.

(2) Every person who assaults, impedes, obstructs or hinders any servant or agent of the Council in the discharge of his duty under this section shall be guilty of an offence against this Act; and any proceedings instituted against any such offender shall be taken in the name and at the instance of the person assaulted, impeded, obstructed or hindered as aforesaid, anything in this Act to the contrary notwithstanding.

**Land and House Taxes.**

**40.** (1) The Council may by by-laws impose taxes in respect of houses and land in the Island.

(2) The said taxes shall be paid by the owners or attorney of the owners of such houses and land, and if the owners are not known, by the tenants or occupiers of the said houses and land.

**Notice of assessment.**

**41.** Seven days prior to any assessment being made, the Secretary shall give notice to all persons liable to assessment to attend at a time and place to be named for the making

of such assessment, and he shall also post up a like notice at the office of the Council, the police station and any other conspicuous place in the Island.

**42.** (1) The Secretary shall enter or cause to be entered in a book or books to be kept for that purpose, the name of every person who shall be assessed to taxes or rates, the description of property in respect of which he is assessed, and the amount of such assessment, and shall sign the same and furnish each person so assessed with a copy of the entry regarding himself.

Assessment and  
service thereof.

(2) Service of a copy of an entry in the assessment book in relation to any person may be effected by leaving the same at his usual place of abode or with some person on or at the property in respect of which the assessment was made, and this shall be deemed to be a sufficient demand for the payment of the rate or sum assessed.

(3) The Secretary shall post up a copy of the said assessment list at the office of the Council.

**43.** The taxes imposed under the authority of section 40 in respect of houses or land shall be paid to the Secretary, and in default of payment on the due date, the procedure specified in sections 41 to 45 inclusive of the Property Tax Act shall *mutatis mutandis* apply for the purpose of the recovery of the said taxes under this Act.

Land and house  
taxes how  
recoverable.

Cap. 348.

**44.** Where no agreement between landlord and tenant exists to the contrary, any tenant paying land or house tax under this Act is hereby authorised to deduct such taxes from any rent payable by him in respect of the house or land, and in the event of any action being brought by the landlord for the recovery of such rent from any such tenant, the court before which the action is brought shall allow the tenant the amount of the rent so paid.

Power of tenants  
to deduct land or  
house tax from  
rent.

PART X

*Miscellaneous*

Allowances to members of Council.

**45.** (1) With the concurrence of the Cabinet the Council may pay its members either fixed monthly allowances, or a variable allowance based on attendance at meetings of the Council.

(2) The receipt of an allowance as in subsection (1) of this section provided shall not be deemed to make the receiver thereof the holder of a public office or a party to a contract with the Government or with the Council for the purpose of disqualifying such persons for membership of the House of Representative or of the Senate or of the Council.

Offences.

**46.** Any person who—

(a) wilfully obstructs, molests or hinders any member of the Council or any authorised servant or agent of the Council in the execution of the duties of the Council under this Act; or

(b) being the occupier of any premises prevents the owner of such premises from complying with any lawful requirements of the Council; or

(c) being the occupier of any premises, and being aware of the name and address of the owner of such premises or his agent on demand wilfully refuses to give or mis-states the name or address of the owner of such premises or of the agent of such owner,

shall be guilty of an offence against this Act and shall be liable on summary conviction thereof to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

Omnibus penalty.

**47.** (1) Any person who commits any offence against this Act for which no penalty has been specifically provided shall in respect of each such offence be liable on summary conviction therefor to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months; and in the case of a continuing offence to a further penalty of ten dollars in respect of each day during which the offence continues.

(2) If any person infringes or fails to comply with the provisions of any by-laws made by the Council which does not provide a penalty for such infringement or failure to comply as aforesaid, such person shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding two hundred and fifty dollars, or to imprisonment for a term not exceeding one month.

**48.** For the purposes of the election held on the 22nd day of March, 1979, the provisions of subsection (2) of section 4 shall apply as if the times specified therein for the election of the Chairman and a Deputy Chairman were the meeting of the Council held next after the Barbuda Local Government (Amendment) Act 1979 came into force.

Special provision as to the election of Chairman for purposes of election on 22nd March, 1979.

611979

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SCHEDULE

Section 2, 19(7)

*Existing By-Laws*

The Barbuda (Bell Village) By-Law.  
 The Barbuda (Codrington Village) Building By-Law.  
 The Barbuda (Cutting of Wood) (Prohibition) By-Law.  
 The Barbuda (Lease of Government Buildings, and Cutting of Fire-wood) By-Law.  
 The Barbuda Licences and the Importation and Keeping of Livestock By-Law.  
 The Barbuda (Shooting and Fishing) By-Law.  
 The Barbuda Trade and Liquor Licences By-Law.  
 The Barbuda (Working and Upkeep of Provisions Grounds) By-Law.

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