



TRINIDAD AND TOBAGO

Act No. 22 of 1967

[L.S.]

AN ACT to re-enact and amend the law relating to County Councils, to the representation election and terms of office of persons elected to County Councils and for matters connected therewith and incidental thereto.

[Assented to 8th September, 1967]

Enactment

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the County Councils Short title Act, 1967.

(2) This Act shall come into operation on such day as the Governor-General may appoint by proclamation published in the *Gazette* and different days may be appointed for the coming into operation of different provisions of this Act.

PART I

Preliminary

Interpretation

2. In the Act—

- (a) "alderman" means a person elected by the councillors from among persons other than councillors who are qualified in accordance with subsection (2) of section 5;
- (b) "Chief Executive Officer" means the Chief Executive Officer of a County Council referred to in section 23;
- (c) "councillor" means a person elected to membership of a County Council under the provisions of the Representation of the People Ordinance, 1961;
- (d) "County Council" means a County Council as constituted by section 4;
- (e) "electoral area" means the seven electoral areas constituted under section 3 and described in Part I of the First Schedule;
- (f) "electoral district" means a constituency as defined in an Order made under section 4 of the Boundaries Commission (Local Government) Act, 1967;
- (g) "former Ordinance" means the County Councils Ordinance repealed by this Act;
- (h) "Minister" means the Minister to whom responsibility for local government has been assigned.

Ord. No. 33-1961

27 of 1965

Ch. 39. No. 15

Electoral areas
and districts

Electoral Areas and Electoral Districts

3. (1) For the purposes of this Act, Trinidad and Tobago shall be divided into the seven electoral areas mentioned in the first column of the First Schedule and described in the second column of the said Schedule.

(2) Each electoral area shall for the purposes of Local Government elections be subdivided into such electoral districts as may be defined in an Order made under section 4 of the Boundaries Commission (Local Government) Act, 1967, according to the Rules set out in the Second Schedule to that Act.

PART II

Constitution of County Councils

4. There shall be for each electoral area a County Council consisting of the following members—

Establishment
of County
Councils

- (a) one councillor elected under the provisions of the Representation of the People Ordinance, 1961, for each electoral district of such electoral area;
- (b) two aldermen elected for such electoral area by the Councillors in accordance with the provisions of this Act.

5. (1) Subject to subsection (3), a person shall be qualified to be elected as a councillor if, and shall not be qualified to be elected as or to be or to continue to be a councillor unless, he—

Qualification
of councillors
and aldermen

- (a) is a citizen of Trinidad and Tobago;
- (b) is qualified to be an elector under the provisions of section 13 of the Representation of the People Ordinance, 1961;
- (c) is able to speak, and unless incapacitated by blindness or other physical cause, to read the English language; and
- (d) resides in the electoral district.

(2) Subject to subsection (3), a person shall be qualified to be elected as an alderman if, and shall not be qualified to be elected as or to be or to continue to be an alderman unless, he—

- (a) is a citizen of Trinidad and Tobago;
- (b) is qualified to be an elector under the provisions of section 13 of the Representation of the People Ordinance, 1961;
- (c) is able to speak and unless incapacitated by blindness or other physical cause, to read the English language; and

(d) resides in an electoral district of the electoral area.

(3) A person shall be disqualified for being elected and for being a councillor or an alderman if he—

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

(b) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged; or

(c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Trinidad and Tobago; or

(d) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which has been suspended; or

(e) is disqualified for such election under the Representation of the People Ordinance, 1961; or

(f) holds any office or place of profit other than Chairman or Vice-Chairman of the County Council in the gift or disposal of the County Council for the electoral district or of any Committee or sub-Committee thereof; but a person shall not be disqualified by reason of receiving or being entitled to receive payment by way only of travelling and of subsistence allowances, or travelling or subsistence allowances, or a refund of out-of-pocket expenses; or

(g) is debarred from exercising the practice of his profession on account of any act involving dishonesty; or

(h) is a member of the Senate or the House of Representatives or of a Municipal Council.

Ord. No. 33-1961

6. (1) The election of aldermen shall take place at a meeting of councillors of a County Council to be held on the third day next following the day upon which such councillors were elected to office. At this meeting of which the Chief Executive Officer shall be the Chairman, the business to be transacted shall be—

Election of
Aldermen

- (a) firstly, the production, to the Chief Executive Officer by each councillor, of the copy of the declaration of his election as a councillor delivered to him by the returning officer in accordance with the Elections Rules;
- (b) secondly, the taking of the oath of office by such of the councillors as have made and subscribed the statutory declaration and are in attendance at the meeting;
- (c) thirdly, the election of the aldermen.

(2) At the election of aldermen the following shall apply—

- (a) one alderman shall be elected from among all the qualified persons in the electoral area;
- (b) one alderman shall be elected from among qualified persons who are members of a Village Council operating in the electoral area;
- (c) a councillor may vote for any number of persons not exceeding the number of vacancies by filling in, signing, and personally delivering to the Chief Executive Officer a voting paper containing the surnames and other names and the place of abode and description of the persons for whom he votes;
- (d) the Chief Executive Officer, as soon as all the voting papers have been handed to him, shall openly produce and read them or cause them to be read, and, after declaring the result of the election, shall keep them for twelve months in a sealed envelope; and at the end of that time, he shall destroy them;
- (e) in case of an equality of votes, the meeting shall determine by lot which of such persons shall be elected as aldermen;

- (f) the persons, not exceeding the number of vacancies, who are found to have the most votes, shall be declared to be and shall thereupon be, elected aldermen of the Council concerned.

(3) In this section—

“Election Rules” means the election rules set out in the Third Schedule to the Representation of the People Ordinance, 1961;

the expression “the day upon which such councillors were elected to office” occurring in subsection (1) means the day or the last day, as the case may be, on which all the returning officers have declared the respective candidates to be elected as councillors;

“returning officer” means the returning officer of an electoral district appointed under the provisions of section 7 of the Representation of the People Ordinance, 1961.

(4) An election under this section or under section 7 shall not be rendered null and void by reason of the fact that any councillor, present and voting in an election held under either of these sections has later been held under the Representation of the People Ordinance, 1961, not to have been elected to office as such councillor or to be otherwise disqualified.

(5) Where a vacancy occurs in the office of alderman of a County Council, such County Council shall, on the report of the Chief Executive Officer to that effect hold a meeting for the purpose of electing a person to fill such vacancy and where the vacancy is in the office of an alderman elected under paragraph (b) of subsection (2), such alderman shall be elected from among qualified persons under paragraph (b) of the said subsection (2).

(6) At any election under subsection (5), the provisions of subsection (2) shall apply except that—

- (a) in paragraphs (c) and (d) of subsection (2) the reference to the Chief Executive Officer shall be construed as a reference to the Chairman of the County Council; and

(b) in paragraph (d) of subsection (2) there were substituted for the words beginning with "keep them" to the end of the paragraph the following "deliver them to the Chief Executive Officer to be kept for twelve months in a sealed envelope; and at the end of that time, the Chief Executive Officer shall destroy them."

7. (1) Each County Council shall, at a meeting to be held on the third day next following that on which aldermen are elected, elect from among its aldermen and councillors, an alderman or councillor to be the Chairman and another alderman or councillor to be the Vice-Chairman of such County Council, and thereafter, on the date on which the Chairman and Vice-Chairman were elected in the first year of each triennial period shall elect an alderman or councillor to be the Chairman and the Vice-Chairman respectively.

Election of
Chairman and
Vice-Chairman.
Functions of
Vice-Chairman

(2) The Chairman of a County Council shall hold office for one year and shall continue in office until his successor has accepted office and made and subscribed the statutory declaration.

(3) No person shall hold office as Chairman of a County Council for more than three years in succession.

(4) The Vice-Chairman shall hold office for one year but shall be eligible for re-election provided that he shall not hold office for more than three years in succession.

(5) At the first election of a Chairman and a Vice-Chairman of a County Council under this Act, a councillor who has held office as Chairman or Vice-Chairman, as the case may be, of a County Council under the former Ordinance for more than three years shall not be eligible for election to the office of Chairman and Vice-Chairman respectively.

(6) At the election of the Chairman of a County Council, the members present shall select one of their number, not being a candidate for the office of Chairman, to preside over such election. The person presiding at such meeting shall have an original as well as a casting vote and shall vacate the chair in favour of the person elected as Chairman immediately after the result of the election is declared.

(7) At the election of the Vice-Chairman, the Chairman shall preside and shall have an original as well as a casting vote.

(8) In the absence for any cause of the Chairman of a County Council, the Vice-Chairman may exercise all the powers and discharge all the duties vested in and imposed upon the Chairman of that County Council under the Act; and all things done, exercised or suffered by the Vice-Chairman as aforesaid shall be as valid and effectual in all respects as if they had been done, exercised or suffered by the Chairman, and in the event of the Vice-Chairman discharging the duties of the Chairman for seven consecutive days or more, he shall, during such period, be entitled in lieu of the Chairman, to be paid the reasonable travelling expenses and the honorarium relating to the office of the Chairman of that County Council.

(9) In the event of the death, resignation or disqualification for any cause of the Chairman, the Vice-Chairman shall forthwith succeed the office of Chairman and shall continue in such office until the time when the Chairman whom he succeeds would have gone out of office, and he shall then go out of office.

(10) In the event of the Vice-Chairman succeeding the office of Chairman under subsection (9) or in the event of the death, resignation or disqualification for any cause of the Vice-Chairman, the Council shall elect, at a meeting to be held for the purpose, an alderman or councillor to be the Vice-Chairman. The Vice-Chairman shall hold such office until the time when the Vice-Chairman whom he succeeds would have gone out of office.

Term of office
of members of
County Council

8. (1) Except in the case of any member who has resigned or whose term of office has been previously determined by virtue of the provisions of this Act, the term of office of members of a County Council shall expire on the last day of every successive triennial period the first of which shall be deemed to have begun on the day upon which such councillors were elected to office. In the event of a vacancy, the person elected to fill such vacancy shall hold office until the time when the person whose vacancy he filled, would have gone out of office.

(2) A person ceasing to hold office as a member of a County Council shall, unless disqualified for holding

office and subject to the provisions of this Act, be eligible for re-election.

9. (1) Each County Council shall be a body corporate by the name of the County Council with the addition of the name of the electoral area for which the County Council has been established and shall have perpetual succession and a common seal and may sue and be sued under that name.

Incorporation
and functions
of County
Councils

(2) Each County Council shall have the functions vested in it by this Act or any other Act and shall, for the purposes of any enactment relating to Public Health, be the Local Authority for the electoral area for which such Council has been established.

10. The County Council of an electoral area shall be deemed to be legally constituted notwithstanding the death, retirement, incapacity to act, or disqualification of the Chairman, Vice-Chairman or of any member or members.

Death, &c. of
Chairman or
councillors

11. (1) A person elected as a member of a County Council shall not until he has made and subscribed a statutory declaration on the form set out in Part I of the Second Schedule, act as such. Every such declaration shall be delivered to the appropriate Chief Executive Officer and shall form part of the records of the County Council.

Declaration
to be made by
a member

(2) A member of a County Council may be required by a resolution of the County Council of which he is a member to satisfy such Council by means of a statutory declaration that he has the qualifications entitling him to continue to be a member. No such resolution shall be moved unless a period of at least six months has elapsed since the making of the original declaration mentioned in subsection (2), or if a resolution as aforesaid has previously been moved, unless a period of at least six months has elapsed since the moving of any such resolution.

(3) Any member who fails within the time fixed by the Council to furnish a declaration in compliance with a resolution passed under the provisions of subsection (1) shall be deemed to have ceased to be qualified to continue to be a member of that County Council.

12. Every member of a County Council shall, at the first meeting of the County Council which he attends after having made and subscribed the declaration referred to

Oath to be
taken by a
member of a
County Council

in subsection (1) of section 12, take and subscribe the oath or make an affirmation of office set out in Part II of the Second Schedule which shall be attested by the Chief Executive Officer of the County Council.

Seat of
member how
vacated

13. (1) If a member of a County Council—

- (a) dies, or, by writing under his hand addressed to the Chairman of the County Council of which he is a member, resigns his seat on such Council; or
- (b) is continuously absent from Trinidad and Tobago for more than ninety days or from three consecutive ordinary meetings of such Council without the leave of the Council; or
- (c) is not in Trinidad and Tobago at the date of his election and continues to be out of Trinidad and Tobago for a period of more than ninety days from the date of such election; or
- (d) ceases to possess any of the qualifications required by subsection (1) or (2) of section 5, or is or becomes disqualified for being a member of a County Council for any of the reasons set out in subsection (3) of section 5,

his seat on the Council shall thereupon become vacant.

(2) Such vacancy shall be formally declared by the County Council concerned on the report of a committee of such Council specially appointed for the purpose by motion of any member of such Council to consider and verify the grounds relied on as causing the vacancy. Such declaration of vacancy shall be signified forthwith by a notice under the hand of the Chief Executive Officer and shall be posted up in a conspicuous position at or near the main entrance of the usual place of meeting of a County Council, and it shall be the duty of the Chief Executive Officer to send forthwith to the Minister a copy of such notice.

(3) Whenever it is shown to the satisfaction of the Governor-General that the seat of a member of the County Council has become vacant, the Governor-General may issue a writ addressed to the Returning Officer of the appropriate electoral area for the election of a new councillor.

14. (1) Where a member of a County Council becomes disqualified through being absent from Trinidad and Tobago for more than ninety days without leave, the disqualifications as regards subsequent elections shall cease on his return. Disqualifications, when to cease

(2) Where a member of a County Council becomes disqualified through having been absent from Trinidad and Tobago at the date of his election and not having returned to Trinidad and Tobago within ninety days after such election, the disqualification as regards subsequent election, shall cease on his return.

PART III

Meetings and Proceedings of County Councils

15. The following rules with respect to meetings and proceedings of County Councils shall be observed:— Meetings of County Councils

- (a) each County Council shall hold monthly meetings for the transaction of general business on such days as such Council may from time to time determine;
- (b) meetings shall be held at such place within the electoral area of each County Council as each such Council may from time to time appoint;
- (c) the Chairman may at any time call a special meeting of a County Council;
- (d) if the Chairman refuses to call a meeting after a request for that purpose signed by three members of the County Council has been presented to him, any three members of such Council may forthwith on that refusal call a meeting. If the Chairman (without so refusing) does not, within seven days after the presentation of any such request, call a meeting, any three members of such Council, may, upon the expiration of those seven days, call a meeting;
- (e) five clear days at least before any ordinary meeting of a County Council, a summons to attend such meeting specifying the business proposed to be transacted thereat and signed by the Chief Executive Officer shall be sent by post to or left at the address of each member of such County Council given by him for the purpose;

- (f) failure to serve a summons on any member of a County Council as provided in paragraph (e) shall not affect the validity of the meeting;
- (g) except by leave of the County Council, no business shall be transacted at a meeting other than that specified in the summons relating thereto;
- (h) the Chairman shall preside at all meetings of the County Council at which he is present and, if for any reason the Chairman is not present, the Vice-Chairman shall preside, and if both are absent the members present and constituting a quorum shall elect a chairman from among their number;
- (i) at any meeting of a County Council half the number of members of the Council shall constitute the quorum for the transaction of business;
- (j) all questions proposed for debate in a County Council shall be decided by a majority of votes of the members present and voting at a meeting held in accordance with this Act;
- (k) the Chairman shall have an original vote and, in case of an equality of votes, a casting vote;
- (l) no member shall vote or take part in any matter before a County Council or a Committee thereof if he has directly or indirectly any pecuniary interest in such matter.

Standing
Orders

16. (1) Subject to the provisions of section 15, each County Council may, from time to time, subject to the approval of the Governor-General make, rules and standing orders which shall remain in force until revoked or amended by approval of the Governor-General.

- (2) Such rules and standing orders shall provide for—
- (a) the regulation and conduct of the proceedings and meetings of such County Council as County Council and Local Authority within the meaning of the Public Health Ordinance and of all committees thereof;
 - (b) the maintenance of order and method in the despatch of business and in the conduct of debates in the Council;
 - (c) the suspension of members; and

- (d) such other matters as may be deemed necessary to ensure the efficient functioning of any such Council,

and without prejudice to the generality of the foregoing words, such rules or standing orders may provide that the minutes of the proceedings of any meetings, shall, when copies thereof have been circulated to members, be taken as read, and may also provide for the postponement of the confirmation of the minutes of the proceedings of any meeting.

(3) All rules and standing orders framed under the powers conferred by subsection (1) and not repugnant to the provisions of this Act shall be followed and observed and shall be binding upon the Council to which they apply.

(4) A motion to suspend the rules and standing orders or any of them may be made at any meeting of the County Council without notice, and shall be voted upon without debate but shall not be carried unless supported by at least three-fourths of the members present.

(5) Where rules and standing orders framed under the powers conferred by this section cannot be applied, the rules and standing orders of the House of Representatives shall be used *mutatis mutandis* as if there were rules and standing orders of the County Council.

(6) The rules and standing orders in force under the former Ordinance at the date of the coming into operation of this Act shall remain in force until revoked or amended by the Governor-General.

17. (1) Every County Council shall from among its members appoint—

Standing
Committees

- (a) a Committee for the purposes of its functions relating to roads and Crown traces, including the control of hoardings and advertisements, which Committee shall be known as the Roads Committee;
- (b) a Committee for the purpose of its functions relating to Health, which Committee shall be known as the Health Committee;
- (c) a Committee for the purposes of its functions relating to finance and general purposes, which Committee shall be known as the Finance and General Purposes Committee.

(2) Every County Council shall refer all matters relating to any of its functions specified in subsection (1) to the appropriate Committee under the said subsection before exercising any function relating to such matters and shall, unless in its opinion the matter is urgent, receive and consider the report of such Committee with respect to the matter in question.

(3) A Committee referred to in subsection (1) shall consist of no fewer than five members and neither the Chairman nor the Vice-Chairman shall be chairman of any such Committee.

(4) Subject to the provisions of this Act, all matters relating to the following functions shall be referred by the Council to the Finance and General Purposes Committee:—

- (a) all financial and establishment matters of the Council including the co-ordination of the annual estimates prepared in terms of this Act and their submission to the County Council;
- (b) maintenance of burial grounds;
- (c) provision, maintenance and regulation of markets;
- (d) provision, maintenance and control of public pastures and recreation grounds;
- (e) financial assistance to community, district or village halls and any other matters arising out of such provision.

Committees

18. (1) A County Council may also appoint from among its members committees, either of a general or special nature, for any function other than those specified in section 17, which, in the opinion of the Council, would be better regulated and managed by means of such Committees.

(2) Any such committee shall consist of such number of members as shall be fixed by the County Council at the time of the appointment thereof and shall be under the chairmanship of any member of the County Council appointed by the Council.

Quorum

19. (1) The quorum of any committee of a County Council shall be determined by the County Council at the time of its appointment.

(2) Every committee of a County Council shall, unless otherwise expressly authorised by its terms of reference, submit its proceedings and recommendations to the County Council for approval.

(3) The proceedings and recommendations of every committee of a County Council shall be submitted to the Council in the form either of minutes of the proceedings at the meetings of such committee or of a formal report signed by the chairman of such committee.

(4) Any recommendations made by a committee, when adopted by the County Council, shall become and be deemed to be resolutions of such Council.

20. A Committee appointed by a County Council may Sub-Committees from among its members appoint sub-committees and may, subject to any standing orders or to any directions by the County Council, delegate to a sub-committee any of its functions, but only so far as it is authorised to do so by standing orders or by any directions of the County Council.

21. A minute of the proceedings at a meeting of a County Council or of a committee thereof, signed by the Chairman, Minutes signed by Chairman to be evidence or by a member describing himself as or appearing to be, the chairman of the meeting at which such minute is signed, shall be received in evidence in any court without further proof.

22. Until the contrary is proved, every meeting of a County Council or of a committee thereof in respect of which a minute has been prepared as provided in subsection (3) of section 19, and every meeting of a committee the proceedings of which are embodied in a report signed by the chairman of such committee and received by the County Council, shall be deemed to have been Meetings deemed to have been duly convened duly convened and held, and all the members taking part in any such meeting shall be deemed to have been duly qualified, and, where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute or in the report, as the case may be.

PART IV

*Officers of County Councils*Duties of
Chief Executive
Officer

23. (1) There shall be assigned to each County Council a Chief Executive Officer who shall be responsible for the efficient administration of all functions pertaining to the County Council.

(2) The Chief Executive Officer shall be the principal financial officer of the Council and shall have the charge and custody of and be responsible for the proper keeping of accounts, deeds, records and other documents of the County Council.

(3) The Chief Executive Officer shall—

- (a) attend all meetings of the County Council and of the Finance and General Purposes Committee thereof and draw up the minutes of such meetings; and he shall also, wherever by general or special direction of the Chairman required so to do, attend meetings of any other Committee and draw up the minutes and reports thereof;
- (b) issue notices and prepare the agenda papers of all meetings of the Council and of the Committees thereof;
- (c) carry out all lawful resolutions or orders of the County Council, provided that if the Chief Executive Officer has reasonable doubt as to the legality of any order he shall forthwith refer the matter to the Minister for decision;
- (d) subject to the provisions of this Act, order and obtain such supplies of goods, materials and services as are necessary for the carrying out of County Council functions; and the Minister may make regulations as to the procedure to be followed by the Chief Executive Officer in carrying out the duties referred to in this paragraph;
- (e) for the purposes of the functions mentioned in this subsection, be assisted by such subordinate officers as may from time to time be assigned for the purpose;

- (f) within the establishment approved in accordance with the provisions of paragraph (f), be responsible for the control and supervision of all staff employed for County Council purposes and shall direct the work of all employees in the service of the County Council and may make any necessary changes in relation to the daily-paid employees of the County Council by way of promotion or otherwise as he may deem necessary; but, this duty shall not extend to any of the technical officers whose services are made available to the County Council by the Governor-General or by any Ministry or Department of Government from time to time;
- (g) do such other acts as may be necessary to maintain the efficiency of the administration of the County.

24. The Chief Technical Officer (Works) and the Chief Technical Officer (Health)—

**Duties of
Chief
Technical
Officer of
Works and
Health**

- (a) shall, at the request of the County Council, make available to the County Council or its committees the services of the appropriate district officers of the respective Ministries. Such services may include the attendance at meetings, the giving of advice and the making of the reports to the County Council necessary for the efficient administration of the roads, health and other services;
- (b) may, with the approval of the Minister, arrange for the provision of such staff, the giving of such services and the furnishing of such goods and materials as from time to time may be essential for the carrying out of the business of the Council.

PART V

Duties of County Councils

- 25. Subject to the provisions of this Act the following functions transferred to a County Council under the former Ordinance shall be exercisable by a County Council in**

**Functions
transferred
to the County
Council**

relation to the electoral area for which that County Council has been established—

- Ch. 27. No. 10
- (a) (i) the construction, maintenance, repair and lighting of all roads and bridges other than main roads and the bridges thereon;
(ii) the functions carried out by Local Road Boards in accordance with the provisions of the Land Acquisition Ordinance;
- Ch. 16. No. 1
- (b) the construction, maintenance and repair of all Crown traces; but the powers contained in this paragraph and in paragraph (a) shall be exercised subject to the provisions of the Roads Ordinance;
- Ch. 12. No. 4
- Ch. 12. No. 16
- (c) the functions carried out by Local Authorities in rural sanitary districts in accordance with the provisions of—
(i) the Public Health Ordinance;
(ii) the Malaria Abatement Ordinance, and in accordance with the requirements of any other Act;
- Ch. 12. No. 18
- (d) the maintenance of burial grounds licensed by the Governor-General, subject to the provisions of the Burial Grounds Ordinance, and to any regulations made by the Governor-General thereunder;
- Ch. 40. No. 4
- (e) the provision, maintenance and management of markets subject to the provisions of any bye-laws and regulations made by the Governor-General under the County Markets Ordinance;
- Ch. 40. No. 3
- (f) the provision, maintenance and control of Public Pastures and Recreation Grounds subject to the provisions of the Recreation Grounds and Pastures Ordinance, and to any rules and regulations made thereunder by the Governor-General;
- Ch. 30. No. 1
- (g) the giving of assistance, financial or otherwise, towards the provision of community, district or village halls;
- (h) the control of the erection and use of hoardings and the exhibition of advertisements, subject to the provisions of the Advertisements Regulation Ordinance.

26. A County Council shall have such other functions and duties as the Governor-General may from time to time by Order prescribe.

Other functions
of the County
Council

27. Where the co-operation of a County Council would facilitate the carrying out of any public business which falls within the province of a Ministry or Department of Government or a statutory body, such Ministry or Department or statutory body may consult the Council and it shall be lawful for the Council to give the appropriate Ministry or Department of Government or statutory body all possible assistance.

Ministries or
Departments
may consult
County
Councils

28. (1) The Governor-General may require the Ministry or any Department of Government concerned with the discharge of functions under any of the Ordinances hereinafter mentioned to submit for the approval of the Minister schemes for—

Administrative
Schemes

- (a) the proper apportionment of such functions between such Ministry, Department of Government and any County Council;
- (b) the proper apportionment of the duties necessary for the performance of such functions between officers of such Ministry or Department of Government and officers of any County Council:

Ch. 16. No. 1. The Road Ordinance;

Ch. 12. No. 4. The Public Health Ordinance; excluding the exercise and performance of any power, function or duty under Parts V to VIII of the Ordinance as amended by the Sixth Schedule to the Water and Sewerage Act, 1965.

Ch. 12. No. 16. The Malaria Abatement Ordinance.

(2) Any administrative scheme may be revoked or altered by a revised scheme prepared and submitted to the Minister and the Minister may approve the scheme with such modifications and amendments as he may think fit.

(3) Such approved schemes shall be published in the *Gazette* and shall take effect on the date of such publication.

Annual
Reports
of the
County
Council

29. (1) On or before the 31st day of March in each year, each County Council shall present to the Minister a report reviewing the activities of that Council in the year ended 31st December immediately preceding.

(2) The Minister may from time to time give directions as to matters which should be referred to in the report or any question arising out of it.

(3) The Minister shall cause a copy of the annual report of each County Council to be laid before Parliament.

Duty of
County
Council
to furnish
Minister
with infor-
mation

30. A County Council, through its Chief Executive Officer, shall furnish such statistics, returns or other information regarding local government in the County as the Minister may from time to time require.

PART VI

Financial Provisions

Revenue and
expenditure for
County Council
functions

31. All expenditure by a County Council approved by Parliament shall be a charge on the Consolidated Fund of Trinidad and Tobago and all revenues of the Council shall be credited to and form part of the Consolidated Fund.

Sums receivable
by County
Council officers

32. Every officer who while engaged on County Council duties receives any sum of money shall pay all such sums to the Chief Executive Officer.

Estimates of
expenditure
and revenue
of County
Councils

33. (1) The Chief Executive Officer shall on or before the 31st day of May in each year prepare and submit to the County Council for its approval a true estimate of the income receivable and the expenditure to be incurred in respect of all County Council functions during the financial year commencing on the 1st January next following.

(2) The County Council may make such alterations to the estimates as may seem to it desirable.

(3) The Chief Executive Officer shall on or before the 30th day of June submit the estimates to the Minister who may approve or amend such estimates.

(4) No monies shall be expended on County Council functions by the Chief Executive Officer or any other officer in any year save as provided in such estimates, unless they shall have been included in a supplemental

estimate of expenditure to be from time to time submitted in the same way and under the same conditions as the principal estimates to be applied to meet an excess under any head or sub-head of the current expenditure.

34. Immediately after the 31st December in each year the Chief Executive Officer shall prepare a statement of account for the information of the County Council showing the expenditure paid from the Consolidated Fund in respect of each of the County Council functions including the costs of administration. Annual statement of account

35. The accounts of each County Council shall be subject to audit by the Auditor General in all respects as if the accounts of the County Council were the public accounts of Trinidad and Tobago. Audit of accounts

36. A County Council may subject to the approval of the Minister pay such reasonable subscription, whether annually or otherwise, to the funds of any association of County Councils of Trinidad and Tobago formed for the purpose of consultation as to common interests of those authorities, providing representation on government bodies, and the discussion of matters relating to local government; but the subscriptions to be paid and the constitution of the association shall be approved by the Governor-General. Subscription to Local Authorities Association

37. (1) The Governor-General may make regulations prescribing— Governor-General to make regulations prescribing

- (a) the allowances to be paid to the Chairman of a County Council, every member of a County Council and the chairman of every committee of a County Council for the purpose of defraying the reasonable out-of-pocket expenses incidental to his office; expenses to be paid members of County Councils
- (b) the allowances to be paid to the Chairman of a County Council for the purpose of defraying the reasonable travelling expenses incidental to his office;
- (c) the honorarium to be paid to the Chairman of a County Council.

(2) Regulations made under this section shall be subject to negative resolution of Parliament.

(3) Until regulations are made under this section, there shall be paid to—

- (a) the Chairman of a County Council, every member of a County Council and the chairman of every committee of a County Council for the purpose of defraying the reasonable out-of-pocket expenses and travelling allowances incidental to their offices the amounts specified in respect of the former Council in sections 115 and 116 of the former Ordinance;
- (b) to the Chairman of a County Council the honorarium in respect of that office of the former Council specified in section 116 of the former Ordinance.

Chairman not
holder of office
of emolument

38. The offices of Chairman and acting Chairman of a County Council shall not be offices of emolument under the Crown for any of the purposes of the Constitution of Trinidad and Tobago.

Expenditure to
be for a County
Council function

39. All expenditure for the purposes of subsection (8) of section 7, subsection (3) of section 37 and under any regulations made under the said section 37 shall be deemed to be expenditure for a County Council function.

PART VII

Community and Village Councils

Community,
district or
village councils

40. (1) It shall be the duty of every County Council to encourage the establishment of community and village councils.

(2) Council and village councils shall be constituted in accordance with such regulations as the Governor-General may from time to time make, and such regulations may provide a model constitution for community and village councils.

PART VIII

Miscellaneous Provisions

Power of
Governor-
General to
act in default

41. (1) The Governor-General may make such orders as may be necessary for the exercise by County Councils of the powers and duties in respect of their functions under section 25.

(2) If any County Council fails to comply with any of the provisions of this Act or any other enactment or any statutory order, the Minister may direct it to remedy the default within such time or times as he may specify. If a Council fails to comply with any requirement within the time specified therein for compliance with that requirement, the Governor-General may by Order transfer to the Minister such of the functions of the Council as may be specified in the Order.

(3) If a County Council fails to complete consideration of its estimates in time to allow the Chief Executive Officer to proceed in accordance with terms of subsection (3) of section 33, the Chief Executive Officer shall forward the estimates to the Minister who shall receive them as if the requirements of this section had been fully complied with, and the Minister may take such steps as he considers necessary to complete such estimates.

42. (1) Subject to subsection (2), councillors elected under the former Ordinance and holding office at the commencement of this Act shall so long as they continue to be qualified to hold office under the former Ordinance hold office until the date specified in an Order made by the Governor-General under the Extension of Term of Councillors Ordinance, 1962.

Councillors
under former
Ordinance

Ord. No. 1-1962

(2) The Chairman and the Vice-Chairman of a County Council elected under the former Ordinance shall continue to hold their respective offices until their successors have accepted office and made and subscribed the statutory declaration.

43. The enactments mentioned in the first column of the Third Schedule are amended to the extent specified in the second column of the said Schedule.

Amendments

44. (1) Upon the commencement of this Act—

(a) all land and other property of every kind, including things in action, vested immediately before the commencement of this Part in a former Council is hereby vested in the Council;

Vesting of
powers,
rights and
property of
former councils
in councils

- (b) all the rights, privileges and advantages and all the liabilities and obligations that, immediately before the commencement of this Part, a former Council was entitled or subject to, are hereby transferred and conferred or imposed upon the Council;
- (c) all permanent employees of a former Council employed at the commencement of this Part are hereby transferred to the service of the Council.

Act to be read
as if the Council
substituted for
a former
Council

(2) Every Act giving power or authority to or imposing any duty or liability upon or otherwise relating to a former Council or providing any forms or proceedings relating to a former Council, shall, unless the context otherwise requires and so far as applicable, be read and have effect as if in such Act, the Council were substituted for a former Council.

References
to former
Councils to
be deemed
to refer to
the Councils

(3) Any reference in any Act, or in any rule, regulation or bye-law made under any Act or in any deed, contract, bond, security, or other document of whatever kind, public or private, to a former Council shall, upon the commencement of this Part, be deemed to refer to the Council.

(4) Legal proceedings pending immediately before the commencement of this Part by or against a former Council may be continued on and after that day by or against the Council as the party to the proceedings instead of that former Council.

(5) In this section—

“the Council” means the appropriate County Council constituted under section 4 for an electoral area;

“former Council” means the appropriate County Council constituted under section 82 of the former Ordinance for an area referred to in the former Ordinance as an “electoral district”.

45. (1) The County Councils Ordinance is repealed.

Repeal
Ch. 39, No. 15

(2) A reference in any enactment—

(a) to a County Council shall, unless the context otherwise requires, be construed as a reference to a County Council established under section 4 of this Act, and

(b) to the County Councils Ordinance, shall be construed as a reference to the County Councils Act, 1967.

FIRST SCHEDULE

(Section 3)

The Electoral Areas of Trinidad and Tobago

FIRST COLUMN	SECOND COLUMN
<i>Name of electoral area</i>	<i>Description of electoral area</i>
1. St. George	...County of St. George described in the Division of Trinidad Ordinance exclusive of the City of Port-of-Spain and the Borough of Arima respectively described in the Port-of-Spain Corporation Ordinance and the Arima Corporation Ordinance.
2. St. David-St. Andrew	Counties of St. David and of St. Andrew respectively described in the Division of Trinidad Ordinance.
3. Nariva-Mayaro	...Counties of Nariva and of Mayaro respectively described in the Division of Trinidad Ordinance.
4. CaroniCounty of Caroni described in the Division of Trinidad Ordinance.
5. Victoria	.. County of Victoria described in the Division of Trinidad Ordinance exclusive of the Borough of San Fernando as described in the San Fernando Corporation Ordinance.
6. St. Patrick	...County of St. Patrick described in the Division of Trinidad Ordinance.
7. TobagoThe Island of Tobago.

SECOND SCHEDULE

(Section 11)

PART I

Statutory Declaration

(Declaration to be made by person elected to be a member of a
County Council)

I,
having been elected a member of the County Council of.....

.....
on the.....do solemnly and sincerely declare as
follows:—

That I am duly qualified to be a member of the said County Council
and that my qualifications are as follows:—

1. I am registered as an elector for the electoral district of
....., and
2. I am able to speak and read the English Language, and
3. I reside in the electoral district.

PART II

(Section 12)

Form of Oath and Affirmation

OATH OF OFFICE

I,
having been duly elected as a member of the County Council of

.....
do hereby swear that I am qualified to hold such office and that I will
duly and faithfully fulfil the duties thereof without fear or favour,
partiality or illwill, and to the best of my judgment and ability.

So help me God.

AFFIRMATION OF OFFICE

I,
having been duly elected as a member of the County Council of

.....
do hereby solemnly and sincerely affirm and declare that I am qualified
to hold such office and that I will duly and faithfully fulfil the duties
thereof without fear or favour, partiality or ill-will, and to the best of
my judgment and ability.

THIRD SCHEDULE

(Section 43)

<i>Short title and Number</i>	<i>Extent of Amendments</i>
The Public Health Ordinance, Ch. 12. No. 4.	Section 11 is amended by substituting for subsection (4) thereof the following:— “(4) Rural districts shall be the areas comprising the electoral area for which a County Council has been established”.
Interpretation Act, 1962, No. 27 of 1962	Paragraph (a) of section 48 is amended by substituting for the definition of “County Council” occurring therein the following:— “(a) “County Council” means a County Council established under section 4 of the County Councils Act, 1967”.

Passed in the House of Representatives this 28th day of July, 1967.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 8th day of August, 1967.

J. E. CARTER
Clerk of the Senate