
1st Session Second Parliament Trinidad and Tobago
16 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 21 of 1967

[L.S.]

AN ACT to amend the law relating to Municipal Corporations.

[Assented to 4th September, 1967]

BE IT ENACTED by the Queen's Most Excellent Majesty, by Enactment and with the advice and consent of the Senate and 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 Short title Municipal Corporations Ordinances (Amendment) Act, 1967.

(2) This Act shall come into operation on such day as the Governor-General may appoint by proclamation published in the *Gazette*.

Ordinances,
Ch. 39. No. 1,
Ch. 39. No. 7,
Ch. 39. No. 11
amended

Application of
interpretation
Act, 1962

2. The Ordinances mentioned in the first column of the Schedule shall have effect subject to the amendments specified in the second column of the said Schedule.

3. Subsection (2) of section 12 of the Interpretation Act applies in the construction of the amendments made pursuant to this Act.

SCHEDULE

FIRST COLUMN

SECOND COLUMN

Ordinances

Extent of Amendments

The
Port-of-Spain
Corporation
Ordinance,
Ch. 39. No. 1

(a) Section 2 is amended by inserting therein in the appropriate alphabetical order, the following:—

“Alderman” means a person, elected by the Councillors from among persons other than Councillors who are qualified to be so elected in accordance with subsection (4) of section 13;

“Councillor” means a person elected to be a member of the Council under the provisions of the Representation of the People Ordinance, 1961;

Ord. No. 33—
1961

“electoral area” means the municipal area of the City of Port-of-Spain lying within the boundaries set forth in the First Schedule hereto;

“electoral district” means a constituency as defined in an Order made under section 4 of the Boundaries Commission (Local Government) Act, 1967, and constituted in the manner prescribed by the Rules set out in the Second Schedule to that Act;

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1967

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

“Minister” means the member of the Cabinet to whom responsibility for Local Government has been assigned;

“Returning Officer” means the returning officer of an electoral district under the Representation of the People Ordinance, 1961;

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the expression "the day on which the Councillors were elected to office" occurring in sections 13, 14 and 73 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.";

(b) Section 7 is repealed;

(c) Section 13 is repealed and replaced as follows—

"Councillors
representation,
term of office
and qualifi-
cations

13. (1) There shall be twelve Councillors who shall be fit and proper persons elected by the burgesses in the manner provided for in the Representation of the People Ordinance, 1961.

(2) One Councillor shall be returned for each electoral district.

(3) Except in the case of any Councillor who has resigned or whose term of office has previously determined by virtue of the provisions of this Ordinance, the term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office.

(4) Subject to subsection (5), 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—

(a) is a citizen of Trinidad and Tobago; and

(b) is qualified to be an elector under section 14 of the Representation of the People Ordinance, 1961; and

(c) is able to speak, and unless incapacitated by blindness or other physical cause, to read the English language.

(5) A person shall be disqualified for being elected and for being a Councillor 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

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- (c) is a person certified to be insane 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) is a member of the Senate or the House of Representatives or of a County Council; or
- (g) holds any office or place of profit, other than Mayor or Deputy Mayor in the gift or disposal of the Corporation, but a person shall not be disqualified by reason of—
- (i) receiving or being entitled to receive payment by way only of travelling and of subsistence allowance, or travelling or subsistence allowances, or a refund of out-of-pocket expenses; or
 - (ii) his receiving as a medical practitioner from the Corporation as the local authority of an urban sanitary district fees for the notification of cases of infectious diseases under the Public Health Ordinance;
- Ch. 12. No. 4
or
- (h) is debarred from exercising the practice of his profession on account of any act involving dishonesty; or
- (i) has within five years before the day of the election or since his election

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been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Ordinance, 1959.”;

(d) Section 14 is repealed and replaced as follows—

“Number,
qualification
and term of
office of
Alderman

14. (1) Aldermen shall be fit and proper persons who are qualified to be Councillors.

(2) The number of Aldermen shall be four.

(3) Aldermen shall be elected by the Councillors from among the burgesses, so, however, that a Burgess who has been elected as a Councillor shall not be elected as an Alderman.

(4) Except in the case of any Alderman who has resigned or whose term of office has previously been determined by virtue of the provisions of this Ordinance, the term of office of Aldermen shall be three years and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office.”;

(e) Section 15 is repealed;

(f) Section 16 is repealed and replaced as follows—

“Election,
term of office
and
honorarium
of Mayor

16. (1) The Mayor shall be elected from among the Aldermen and the Councillors.

(2) The Mayor shall hold office for a term of one year but, subject to subsection (4), shall be eligible for re-election.

(3) Unless the Mayor resigns or ceases to be qualified or becomes disqualified, he shall continue in office until his successor in office has accepted office and has made and subscribed the appropriate declaration.

(4) No person shall serve as Mayor for more than three consecutive terms.

(5) The reasonable travelling expenses incidental to the office of Mayor shall be paid out of the ordinary revenues of the Corporation, but such expenses shall not in any year exceed the sum of seven hundred and fifty dollars.

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(6) The Mayor shall receive an honorarium of three thousand dollars per annum payable out of the ordinary revenues of the Corporation by equal monthly instalments at the end of each month.”;

(g) the Ordinance is amended by inserting immediately after section 16 thereof, the following:—

“Transitional; Aldermen and Councillors to continue to hold office until election

16A. (1) Aldermen and Councillors elected under this Ordinance before the commencement of the Municipal Corporations Ordinances (Amendment) Act, 1967, and holding office at the commencement of that Act shall so long as they continue to be qualified to hold such offices under this Ordinance before the commencement of that Act hold office until the date specified in an Order made by the Governor-General under the Municipal Corporations (Extension of Terms) Act, 1962.

Act 20—62

(2) The Mayor and Deputy Mayor elected under this Ordinance before the commencement of the Municipal Corporations Ordinances (Amendment) Act, 1967, shall continue to hold their respective offices until the date specified in an Order made by the Governor-General under the Municipal Corporations (Extension of Terms) Act, 1962.”;

(h) section 18 is amended by substituting for subsection (3) thereof, the following:—

“(3) In the event of the Deputy Mayor succeeding to the office of Mayor under subsection (2), or, in the event of the death, resignation or disqualification from any cause of the Deputy Mayor, the Council may appoint an Alderman or Councillor to be the Deputy Mayor who shall hold such office until the time when the Deputy Mayor whom he succeeds would have gone out of office.”;

(i) section 44 is amended by substituting the words “twelve members of the Council” for the words “two-thirds of the whole Council” occurring in line 10 thereof;

(j) section 46 is amended by substituting—

(i) the words “forty-five days” for the words “thirty days” and the word “five” for the word “three”;

(ii) for the reference to subsection (3) of section 13 and to subsection (4) of section 13 occurring in paragraph (d)

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- of subsection (1) thereof, references to subsection (4) and subsection (5) of section 13;
- (k) sections 51 and 52 are repealed;
- (l) section 54 is repealed and replaced as follows—
- “Issue of Writ for election 54. Whenever it shall be shown to the satisfaction of the Governor-General that the seat of a Councillor has become vacant, the Governor-General may issue a writ for the election of a new Councillor (hereinafter referred to as “a bye-election”) and such writ shall be addressed to the Returning Officer of the appropriate electoral district.”;
- (m) section 55 is amended by substituting for the words “any corporate office” occurring in line two thereof, the words “other than that of Councillor”;
- (n) section 72 is repealed;
- (o) section 73 is repealed and replaced as follows—
- “Election of Aldermen 73. (1) Subject to the provisions of this Ordinance, the election of Aldermen shall be held at a meeting of the Council convened for that purpose on the third day, next following the day on which the Councillors were elected to office. At this meeting of which the Town Clerk shall be the Chairman, the business to be transacted shall be—
- (a) firstly, the production to the Town Clerk 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 Election Rules;
- (b) secondly, the taking of the oath of office by such Councillors as have made and subscribed the declaration of acceptance of office and are in attendance at the meeting;
- (c) thirdly, the election of Aldermen.
- (2) At the election of Aldermen the following shall apply—
- (a) a Councillor may vote for any number of persons not exceeding the number of vacancies by filling in, signing, and personally delivering to the Town Clerk, a voting paper containing the surnames and other names and the place of abode and description of the persons for whom he votes;
- Method of election

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- (b) the Town Clerk, 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;
- (c) in the case of an equality of votes, the meeting shall determine by lot which of such persons shall be elected as Aldermen;
- (d) 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 City.
- (3) An election under this section or under section 74 shall not be rendered null and void by reason of the fact that any Councillors 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.
- (4) Where a vacancy occurs in the office of Alderman, the Council shall, within thirty days of the occurrence of such vacancy being reported to it in writing by the Town Clerk, hold a meeting for the purpose of electing a person to fill such vacancy.
- (5) At any election under subsection (4) the provisions of subsection (2) shall apply except that—
- (a) in paragraphs (a) and (b) of subsection (2), the reference to the Town Clerk shall be construed as a reference to the Mayor or Deputy Mayor as the case may be; and
- (b) in paragraph (b) there were substituted for the words beginning with "keep them" to the end of the paragraph, the following "deliver them to the Town Clerk to be kept for twelve months in a sealed envelope; and at the end of that time the Town Clerk shall destroy them.";

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(p) by substituting for section 74 thereof the following—

“Election of
Mayor and
Deputy
Mayor

74. (1) The election of the Mayor and the Deputy Mayor shall be held at a meeting of the Council convened for that purpose on the third day next following that on which the election of Aldermen has been held and save for the taking of the oath of office by any Aldermen elected under section 73, and by such newly elected Councillors as may not have previously done so, no other business shall be transacted on that day but the election of the Mayor and the Deputy Mayor and the appointment of the standing and other committees of the Council.

(2) The election of the Mayor and of the Deputy Mayor shall be by motion duly seconded and shall be presided over by a Councillor or an Alderman who is not a candidate for the office of Mayor or Deputy Mayor.

(3) At the first election of the Mayor and Deputy Mayor under this Ordinance, as amended by the Municipal Corporations Ordinances (Amendment) Act, 1967, an Alderman or Councillor who has held office as Mayor or Deputy Mayor for more than three years before the commencement of that Act shall not be eligible for election to the office of Mayor and Deputy Mayor respectively.”;

(q) section 79 is amended by substituting—

(i) the word “seven” for the word “five” occurring in paragraph (i) thereof;

(ii) the words “seven”, “twelve” and “nine” for the words occurring in line 7, line 9 and line 15 respectively of paragraph (j) thereof;

(r) the Ordinance is amended by inserting immediately after section 90 thereof the following section—

“Corporation
to levy rate
as contribu-
tions to Fire
Service

90A. (1) For the purpose of contributing towards defraying the expenditure incurred by the Fire Service in carrying out its duties under any enactment relating thereto in the City, the Corporation shall pay to the Comptroller of Accounts on or before the 31st July next following the date of the certificate of the Auditor General as to the

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expenditure incurred during the last preceding financial year, a sum equal to one-third of the expenditure so incurred.

(2) For the purposes of subsection (1) the Corporation shall levy in each year upon and in respect of every rateable hereditament an annual rate of tax of one-half per centum: Provided that no sum greater than may be needed for such purposes shall be levied.

(3) The sum payable by the Corporation shall be deemed a debt due from the Corporation to the Comptroller of Accounts and if default is made in payment thereof, such amount may be recovered by him by action in the High Court.

(4) In this section, the expression "Fire Service" means the Fire Service established by section 3 of the Fire Service Act, 1965.";

(s) the Ordinance is amended by inserting immediately after section 124 thereof, the following—

"Mayor's
Fund

124A. (1) The Corporation may, by resolution of the Council and with the approval of the Minister, establish a fund to be known, as the "Mayor's Fund", for the purposes specified in the resolution establishing the Fund.

(2) The revenue of the Fund shall be derived from—

(a) such donations and other contributions as may from time to time be received by the Mayor for the Fund; and

(b) such monies as the Council may by resolution authorise to be paid into the Fund.

(3) Any expenditure out of the Fund shall be authorised by resolution of the Council.

(4) An annual report with an audited statement of revenue and expenditure shall be submitted to the Minister.

(5) All monies standing to the account of any Mayor's Fund and Mayor's Special Fund shall, on the commencement of the

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The San
Fernando
Corporation
Ordinance,
Ch. 39. No. 7.

Municipal Corporations Ordinances (Amendment) Act, 1967, be deposited to a special account. On the establishment of a Mayor's Fund under this section, the amount standing in such special account shall be transferred to such Fund but if no Fund is established within one year of the commencement of that Act, such amount shall be used for such other purpose as the Council may, by resolution, authorise.”;

- (t) section 398 is amended by inserting the words “other than a Councillor” immediately after the words “corporate officer” occurring in line three of subsection (2) thereof;
- (u) the Ordinance is amended by substituting the words “Trinidad and Tobago” for the word “Territory” wherever that word occurs therein.

- (a) Section 2 is amended by inserting therein in the appropriate alphabetical order the following—

“ “Alderman” means a person elected by the Councillors from among persons other than Councillors who are qualified to be so elected in accordance with section 12;

“Councillor” means a person elected to be a member of the Council under the provisions of the Representation of the People Act, 1961;

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

“electoral area” means the area of the Borough of San Fernando described in the First Schedule hereto;

“electoral district” means a constituency as defined in an Order made under section 4 of the Boundaries Commission (Local Government) Act, 1967, and constituted in the manner prescribed by the Rules set out in the Second Schedule to that Act;

“Minister” means the member of Cabinet to whom responsibility for Local Government is assigned;

“Returning Officer” means the returning officer of an electoral district under the Representation of the People Ordinance, 1961;

the expression “the day on which such Councillors were elected to office”, occurring in sections 13 and 15, means the day or the last day, as

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the case may be, on which all the Returning Officers have declared the respective candidates to be elected as Councillors.”;

(b) section 6 is repealed and replaced as follows—

“Constitution of Council 6. The Council shall consist of the Mayor, Aldermen and Councillors.”;

(c) section 7 is amended by deleting subsection (1A) thereof;

(d) section 12 is amended by substituting for subsection (1) thereof the following—

“(1) Subject to subsection (2), 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—

(a) is a citizen of Trinidad and Tobago;

(b) is qualified to be an elector under section 14 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.”;

(e) sections 13 to 16 are repealed and replaced as follows—

“Councillors, representation, term of office and qualifications 13. (1) There shall be nine Councillors who shall be persons elected by the burgesses in the manner provided for in the Representation of the People Ordinance, 1961.

(2) One Councillor shall be returned for each electoral district.

(3) Except in the case of any Councillor who has resigned or whose term of office has previously been determined by virtue of the provisions of this Ordinance, the term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period the first of which shall be deemed to have begun on the day on 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.

Aldermen and Councillors to continue to hold office until elections

13A. (1) Subject to subsection (2), Aldermen and Councillors elected under this Ordinance before the commencement of the Municipal Corporations Ordinances (Amendment) Act, 1967 and holding office at the

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commencement of that Act shall, so long as they continue to be qualified to hold such offices under this Ordinance before the commencement of that Act, hold office until the date specified in an Order made by the Governor-General under the Municipal Corporations (Extension of Terms) Act, 1962.

(2) The Mayor and Deputy Mayor elected under this Ordinance before the commencement of the Municipal Corporations Ordinances (Amendment) Act, 1967 shall continue to hold their respective offices until the date specified in an Order made by the Governor-General under the Municipal Corporations (Extension of Terms) Act, 1962.

Number,
qualification
and term of
office of
Alderman

14. (1) Aldermen shall be elected by the Councillors from among the burgesses, so, however, that a Burgess who has been elected as a Councillor shall not be elected as an Alderman.

(2) A person shall not be qualified to be elected or to be an Alderman unless he is qualified to be a Councillor.

(3) The number of Aldermen to be elected by the Councillors shall be three.

(4) Except in the case of any Alderman who has resigned or whose term of office has previously been determined by virtue of the provisions of this Ordinance, the term of office of an Alderman shall be three years, and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office. In the event of a vacancy, the person elected to fill such vacancy shall hold such office until the time when the person whose vacancy he filled would have gone out of office.

Election of
Aldermen

15. (1) Subject to the provisions of this Ordinance, the election of Aldermen shall be held at a meeting of the Council convened for that purpose on the third day next following the day on which the Councillors were elected to office. At this meeting of which the Town Clerk shall be Chairman, the business to be transacted shall be—

(a) firstly, the production to the Town Clerk by each Councillor of the

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copy of the declaration of his election as a Councillor delivered to him by the returning officer in accordance with the Election Rules;

(b) secondly, the taking of the oath of office by such Councillors as have made and subscribed the declaration of acceptance of office and are in attendance at the meeting;

(c) thirdly, the election of Aldermen.

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

(a) a person entitled to vote may vote for any number of persons not exceeding the number of vacancies by filling in, signing and personally delivering to the Town Clerk a voting paper containing the surnames and other names and the place of abode and description of the persons for whom he votes;

(b) the Town Clerk, 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;

(c) in case of an equality of votes, the meeting shall determine by lot which of such persons shall be elected as Aldermen;

(d) 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 Borough.

(3) An election under this section or under section 16A 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.

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(4) Where a vacancy occurs in the office of Alderman, the Council shall, within thirty days of the occurrence of such vacancy being reported to the Town Clerk, hold a meeting for the purpose of electing a person to fill such vacancy.

(5) At any election under subsection (4), the provisions of subsection (2) shall apply except that—

(a) in paragraphs (a) and (b) of subsection (2) the reference to the Town Clerk shall be construed as a reference to the Mayor or Deputy Mayor, as the case may be; and

(b) in paragraph (b) 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 Town Clerk to be kept for twelve months in a sealed envelope; and at the end of that time, the Town Clerk shall destroy them".

Election,
term of
office and
honorarium
of Mayor

16. (1) The Mayor shall be elected from among the Aldermen and the Councillors.

(2) The Mayor shall hold office for a term of one year but subject to subsection (4), shall be eligible for re-election.

(3) Unless the Mayor resigns or ceases to be qualified or becomes disqualified, he shall continue in office until his successor in office has accepted office and has made and subscribed the appropriate declaration.

(4) No person shall serve as Mayor for more than three years in succession.

(5) The reasonable travelling expenses incidental to the office of Mayor shall be paid out of the ordinary revenues of the Corporation, but such expenses shall not in any year exceed the sum of seven hundred and fifty dollars.

(6) The Mayor shall receive an honorarium of two thousand dollars per annum payable out of the ordinary revenues of the Corporation by equal monthly instalments at the end of each month.

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Election of
Mayor and
Deputy
Mayor

16A. (1) The election of the Mayor and the Deputy Mayor shall be held at a meeting of the Council convened for that purpose on the seventh day after the day on which the election of Aldermen has been held; and save for the taking of the oath of office by any Aldermen elected under section 14, and by such newly elected Councillors as may not have previously done so, no other business shall be transacted on that day but the election of the Mayor and Deputy Mayor and the appointment of the standing and other committees of the Council.

(2) The election of the Mayor and of the Deputy Mayor shall be by motion duly seconded and shall be presided over by a Councillor or an Alderman who is not a candidate for the office of Mayor or Deputy Mayor.

(3) At the first election of the Mayor and Deputy Mayor under this Ordinance as amended by the Municipal Corporations Ordinances (Amendment) Act, 1967, an Alderman or Councillor who has held office as Mayor or Deputy Mayor for more than three years before the commencement of that Act, shall not be eligible for election to the office of Mayor and Deputy Mayor respectively.”;

(f) sections 18 and 20 are repealed;

(g) section 19 is amended by substituting for subsection (3) thereof, the following:—

“ (3) In the event of the Deputy Mayor succeeding to the office of Mayor under subsection (2), or in the event of the death, resignation or disqualification from any cause of the Deputy Mayor, the Council may appoint an Alderman or Councillor to be the Deputy Mayor who shall hold such office until the time when the Deputy Mayor whom he succeeds would have gone out of office.”;

(h) section 28 is repealed and replaced as follows—

“Vacancy caused by non-acceptance of office
28. Non-acceptance of office by a person elected creates a casual vacancy.”;

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- (i) the Ordinance is amended by inserting immediately after section 28 thereof, the following:—

“Issue of writ for election

28A. Whenever it shall be shown to the satisfaction of the Governor-General that the seat of a Councillor has become vacant, the Governor-General may as soon as possible issue a writ for the election of a new Councillor (hereinafter referred to as “a bye-election”) and such writ shall be addressed to the Returning Officer of the appropriate electoral district.”;

- (j) section 29 is amended by substituting for the words “any corporate office” occurring in line two thereof, the words “other than the corporate office of Councillor”;

(k) section 76 is repealed;

- (l) section 86 is amended by substituting the words “nine” and “six” for the words “twelve” and “eight” occurring in line nine and line fifteen respectively of paragraph (j) thereof;

- (m) the Ordinance is amended by inserting immediately after section 95 thereof, the following section:—

“Corporation to levy rates as contribution to Fire Service

95A. (1) For the purpose of contributing towards defraying the expenditure incurred by the Fire Service in carrying out its duties under any enactment relating thereto in the corporate area, the Corporation shall pay to the Comptroller of Accounts on or before the 31st July or such later date as the Minister of Finance may by notice determine, next following the date of the certificate of the Auditor General as to the expenditure incurred during the last preceding financial year, a sum equal to one-third of the expenditure so incurred.

(2) For the purposes of subsection (1), there shall be levied by and paid to the Corporation in each year upon and in respect of every rateable hereditament an annual rate of tax of one percentum: Provided that no sum greater than may be needed for such purposes shall be levied.

(3) The sum payable by the Corporation shall be deemed a debt due from the Corporation to the Comptroller of Accounts and if default be made in payment thereof, such amount may be recovered by him by action in the High Court.

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- (4) In this section, the expression "Fire Service" means the Fire Service established by section 3 of the Fire Service Act, 1965.
- Act No. 31 of 1965
- (n) the Ordinance is amended by inserting immediately after section 126 thereof, the following:
- "Mayor's Fund
- 126A. (1) The Corporation may, by resolution of the Council and with the approval of the Minister, establish a fund, to be known as the "Mayor's Fund," for the purposes specified in the resolution establishing the Fund.
- (2) The revenue of the Fund shall be derived from—
- (a) such donations and other contributions as may from time to time be received by the Mayor for the Fund; and
- (b) such monies as the Council may by resolution authorise to be paid into the Fund.
- (3) Any expenditure out of the Fund shall be authorised by resolution of the Council.
- (4) An annual report with an audited statement of revenue and expenditure shall be submitted to the Minister.
- (5) All monies standing to the account of any Mayor's Fund and Mayor's Special Fund shall on the commencement of the Municipal Corporations Ordinances (Amendment) Act, 1967, be deposited to a special account. On the establishment of a Mayor's Fund under this section, the amount standing in such special account shall be transferred to such Fund but if no Fund is established within one year of the commencement of that Act, such amount shall be used for such other purpose as the Council may, by resolution, authorise.";
- (o) section 323 is amended by inserting the words "other than a Councillor" immediately after the words "corporate officer" occurring in line three of subsection (2) thereof;
- (p) the Ordinance is amended by substituting the words "Trinidad and Tobago" for the words "the Territory" wherever those words occur therein;

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- The Arima Corporation Ordinance, Ch. 39. No. 11
- (a) Section 2 is amended by inserting therein in the appropriate alphabetical order the following—
- “ “Alderman” means a person elected by the Councillors from among persons other than Councillors who are qualified to be so elected in accordance with section 12;
- “Councillor” means a person elected to be a member of the Council under the provisions of the Representation of the People Act, 1961;
- Act No. 33—
1961
- “Election Rules” means the Election Rules set out in the Third Schedule to the Representation of the People Ordinance, 1961;
- “electoral area” means the area of the Borough of Arima described in the First Schedule hereto;
- “electoral district” means a constituency of an electoral area as defined in an Order made under section 4 of the Boundaries Commission (Local Government) Act, 1967, and constituted in the manner prescribed by the Rules set out in the Second Schedule to that Act;
- Act No. 18 of
1967
- “Minister” means the member of Cabinet to whom responsibility for Local Government has been assigned;
- “Returning Officer” means the Returning Officer of an electoral district under the Representation of the People Ordinance, 1961;
- the expression “the day on which such Councillors were elected to office” occurring in sections 13 and 15, 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.”;
- (b) Section 6 is repealed and replaced as follows:—
- “Constitution
of Council
6. The Council shall consist of the Mayor, Aldermen and Councillors.”;
- (c) Section 12 is amended by substituting for subsection (1) thereof, the following:—
- “(1) Subject to subsection (2), 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—
- (a) is a citizen of Trinidad and Tobago;
- (b) is qualified to be an elector under section 14 of the Representation of the People Ordinance, 1961;

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(c) is able to speak, and unless incapacitated by blindness or other physical cause, to read the English language.”;

(d) Sections 13 to 16 are repealed and replaced as follows—

“Councillors, representation, term of office and qualifications

13. (1) There shall be six Councillors who shall be persons elected by the burgesses in the manner provided for in the Representation of the People Ordinance, 1961.

(2) One Councillor shall be returned for each electoral district.

(3) Except in the case of any Councillor who has resigned or whose term of office has previously been determined by virtue of the provisions of this Ordinance the term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period, the first day of which shall be deemed to have begun on the day on which such Councillors were elected to office.

(4) 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.

Aldermen and Councillors to continue to hold office until elections

13A. (1) Councillors and Aldermen elected under this Ordinance before the commencement of the Municipal Corporations Ordinances (Amendment) Act, 1967, and holding office at the commencement of that Act shall so long as they continue to be qualified to hold such offices under this Ordinance before the commencement of that Act, hold office until the date specified in an Order made by the Governor-General under the Municipal Corporations (Extension of Terms) Act, 1962.

(2) The Mayor and Deputy Mayor elected under this Ordinance before the commencement of the Municipal Corporations Ordinances (Amendment) Act, 1967, shall continue to hold their respective offices until the date specified in an Order made by the Governor-General under the Municipal Corporations (Extension of Terms) Act, 1962.

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Number,
qualification
and term of
office of
Aldermen

Extent of Amendments

14. (1) Aldermen shall be elected by the Councillors from among the burgesses, so, however, that a burgess who has been elected as a Councillor shall not be elected as an Alderman.

(2) A person shall not be qualified to be elected or to be an Alderman unless he is qualified to be a Councillor.

(3) The number of Aldermen to be elected by the Councillors shall be two.

(4) Except in the case of any Alderman who has resigned or whose term of office has previously determined by virtue of the provisions of this Ordinance the term of office of an Alderman shall be three years and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which such Councillors were elected to office. In the event of a vacancy, the person elected to fill such vacancy, shall hold such office until the time when the person whose vacancy he filled would have gone out of office.

Election of
Aldermen

15. (1) Subject to the provisions of this Ordinance, the election of Aldermen shall be held at a meeting of the Council convened for that purpose on the third day next following that on which such Councillors were elected to office. At this meeting of which the Town Clerk shall be Chairman the business to be transacted shall be—

(a) firstly, the production to the Town Clerk by each Councillor of the copy of the declaration of his election as a Councillor delivered to him by the returning officer as required by the Election Rules;

(b) secondly, the taking of the oath of office by such Councillors as have made and subscribed the declaration of acceptance of office and are in attendance at the meeting;

(c) thirdly, the election of Aldermen.

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

(a) a person entitled to vote may vote for any number of persons not exceeding the number of vacancies

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by filling in, signing, and personally delivering to the Town Clerk a voting paper containing the surnames and other names and the place of abode and description of the persons for whom he votes;

- (b) the Town Clerk, 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;
- (c) in case of an equality of votes, the meeting shall determine by lot which of such persons shall be elected as Aldermen;
- (d) 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 Borough.

(3) An election under this section or under section 16A 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.

(4) Where a vacancy occurs in the office of Aldermen, the Council shall, within thirty days of the occurrence of such vacancy being reported to the Town Clerk, hold a meeting for the purpose of electing a person to fill such vacancy.

(5) At any election under subsection (4) the provisions of subsection (2) shall apply except that—

- (a) in paragraphs (a) and (b) of subsection (2), the reference to the Town Clerk shall be construed as a reference to the Mayor or Deputy Mayor as the case may be; and

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Election,
term of
office and
honarium
of Mayor

(b) in paragraph (b) 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 Town Clerk to be kept for twelve months in a sealed envelope; and at the end of that time, the Town Clerk shall destroy them".

16. (1) The Mayor shall be elected from among the Aldermen and the Councillors.

(2) The Mayor shall hold office for a term of one year but, subject to subsection (4), shall be eligible for re-election.

(3) Unless the Mayor resigns or ceases to be qualified or becomes disqualified, he shall continue in office until his successor in office has accepted office and has made and subscribed the appropriate declaration.

(4) No person shall serve as Mayor for more than three years in succession.

(5) The reasonable travelling expenses incidental to the office of Mayor shall be paid out of the ordinary revenues of the Corporation: Provided that such expenses shall not in any year exceed the sum of seven hundred and fifty dollars.

(6) The Mayor shall receive an honorarium of one thousand two hundred dollars per annum payable out of the ordinary revenues of the Corporation by equal monthly instalments at the end of each month.

Election of
Mayor and
Deputy
Mayor

16A. (1) The election of the Mayor and the Deputy Mayor shall be held at a meeting of the Council convened for that purpose on the third day next following that on which the election of Aldermen has been held; and save for the taking of the oath of office by any Aldermen elected under section 15, and by such newly-elected Councillors as may not have previously done so, no other business shall be transacted on that day but the election of the Mayor and the Deputy Mayor and the appointment of the standing and other committees of the Council.

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(2) The election of the Mayor and of the Deputy Mayor shall be by motion duly seconded and shall be presided over by a Councillor or an Alderman who is not a candidate for the office of Mayor or Deputy Mayor.

(3) At the first election of the Mayor and Deputy Mayor under this Ordinance as amended by the Municipal Corporations Ordinances (Amendment) Act, 1967, an Alderman or Councillor who has held office as Mayor or Deputy Mayor for more than three years before the commencement of that Act shall not be eligible for election to office of Mayor and Deputy Mayor respectively”;

(e) sections 18 and 20 are repealed;

(f) section 19 is amended by substituting for subsection (3) thereof the following—

“(3) In the event of the Deputy Mayor succeeding to the office of Mayor under subsection (2) or in the event of the death, resignation or disqualification from any cause of the Deputy Mayor, the Council may appoint an Alderman or a Councillor to be Deputy Mayor who shall hold such office until the time when the Deputy Mayor whom he succeeds would have gone out of office”;

(g) section 28 is repealed and replaced as follows—

“Vacancy caused by non-acceptance of office 28. Non-acceptance of office by a person elected creates a casual vacancy”;

(h) the Ordinance is amended by inserting immediately after section 28 thereof, the following—

“Issue of writ for election 28A. Whenever it shall be shown to the satisfaction of the Governor-General that the seat of a Councillor has become vacant, the Governor-General may as soon as possible issue a writ for the election of a new Councillor (hereinafter referred to as “a bye-election”) and such writ shall be addressed to the Returning Officer of the appropriate electoral district”;

(i) section 29 is amended by substituting for the words “any corporate office” occurring in line two thereof, the words “other than the corporate office of Councillor”;

(j) section 76 is repealed;

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(k) The Ordinance is amended by inserting immediately after section 95 thereof, the following section—

“Corporation to levy rates as contribution to Fire Service

95A. (1) For the purpose of contributing towards defraying the expenditures incurred by the Fire Service in carrying out its duties under any enactment relating thereto, in the corporate area the Corporation shall pay to the Comptroller of Accounts on or before the 31st July or such later date as the Minister of Finance may by notice determine next following the date of the certificate of the Auditor General as to the expenditure incurred during the last preceding financial year, a sum equal to one-third of the expenditure so incurred.

(2) For the purposes of subsection (1), there shall be levied by and paid to the Corporation in each year upon and in respect of every rateable hereditament an annual rate of tax of one per centum: Provided that no sum greater than may be needed for such purposes shall be levied.

(3) The sum payable by the Corporation shall be deemed a debt due from the Corporation to the Comptroller of Accounts and if default is made in payment thereof, such amount may be recovered by him by action in the High Court.

(4) In this section, the expression “Fire Service” means the Fire Service established by section 3 of the Fire Service Act, 1965”;

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1965

(l) the Ordinance is amended by inserting immediately after section 116 thereof, the following—

“Mayor’s Fund

116A. (1) The Corporation may, by resolution of the Council and with the approval of the Minister, establish a fund, to be known as the “Mayor’s Fund”, for the purposes specified in the resolution establishing the Fund.

(2) The revenue of the Fund shall be derived from—

(a) such donations and other contributions as may from time to time be received by the Mayor for the Fund; and

(b) such monies as the Council may by resolution authorise to be paid into the Fund.

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(3) Any expenditure out of the Fund shall be authorised by resolution of the Council.

(4) An annual report with an audited statement of revenue and expenditure shall be submitted to the Minister.

(5) All monies standing to the account of any Mayor's Fund and Mayor's Special Fund shall on the commencement of the Municipal Corporations Ordinances (Amendment) Act, 1967, be deposited to a special account. On the establishment of a Mayor's Fund under this section, the amount standing in such special account shall be transferred to such Fund but if no Fund is established within one year of the commencement of that Act, such amount shall be used for such other purpose as the Council may, by resolution, authorise";

(m) Section 281 is amended by inserting the words "other than a Councillor" immediately after the words "corporate officer" occurring in line three of subsection (2) thereof;

(n) the Ordinance is amended by substituting the words "Trinidad and Tobago" for the words "the Territory" wherever those words occur therein.

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