

**LAWS OF TRINIDAD AND TOBAGO**

**COUNTY COUNCILS ACT**

**CHAPTER 25:04**

**Act**  
**22 of 1967**  
Amended by  
41 of 1967  
3 of 1970  
26 of 1973  
26 of 1977

**Current Authorised Pages**

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**Note**  
**on**  
**Adaptation**

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by L.N. 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 25:04

COUNTY COUNCILS ACT

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## CHAPTER 25:04

## COUNTY COUNCILS ACT

**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.** 22 of 1967.

[17TH JUNE 1968]

Commencement.  
92/1968.

1. This Act may be cited as the County Councils Act.

Short title.

## PART I

## PRELIMINARY

2. In this Act—

“alderman” means a person elected by the councillors from among persons other than councillors who are qualified in accordance with section 5(2);

Interpretation.  
[41 of 1967  
26 of 1977].

“Chief Administrative Officer” means the Chief Administrative Officer of a County Council referred to in section 24;

“councillor” means a person elected to membership of a County Council under the provisions of the Representation of the People Act;

Ch. 2:01.

“County Council” means a County Council as constituted by section 4;

- First Schedule. “electoral area” means the seven electoral areas constituted under section 3 and described in the First Schedule;
- Ch. 25:50. “electoral district” means a constituency as defined in an Order made under section 4 of the Boundaries Commission (Local Government) Act;
- 39 of 1952. “former Ordinance” means the County Councils Ordinance repealed by this Act.

Electoral areas and districts.

### ELECTORAL AREAS AND ELECTORAL DISTRICTS

First Schedule. 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 that Schedule.

Ch. 25:50. (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, according to the Rules set out in the Second Schedule to the Act.

## PART II

### CONSTITUTION OF COUNTY COUNCILS

Establishment of County Councils. [41 of 1967].

Ch. 2:01.

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

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

Qualification of councillors and aldermen. [41 of 1967].

Ch. 2:01.

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—

- (a) is a citizen of Trinidad and Tobago;
- (b) is qualified to be an elector under section 14 of the Representation of the People Act;
- (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 section 14 of the Representation of the People Act;
- (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.

Ch. 2:01.

(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 acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged;
- (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;
- (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;
- (e) is disqualified for such election under the Representation of the People Act;
- (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;

Ch. 2:01.

- (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.

Election of  
Aldermen.  
[41 of 1967  
26 of 1977].

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 the councillors were elected to office. At this meeting of which the Chief Administrative Officer shall be the Chairman, the business to be transacted shall be—

- (a) firstly, the production, to the Chief Administrative 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 Administrative Officer a voting paper containing the surnames and given names and the place of abode and description of the persons for whom he votes;
  - (d) the Chief Administrative 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 Act;

Ch. 2:01.

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 6 of the Representation of the People Act.

Ch. 2:01.

(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 Act not to have been elected to office as such councillor or to be otherwise disqualified.

Ch. 2:01.

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

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

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

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

Election of  
Chairman and  
Vice-Chairman.  
Functions of  
Vice-Chairman.  
[26 of 1973].

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 the County Council and thereafter, on the date on which the Chairman and the 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.

(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.

39 of 1952.

(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 the election. The person presiding at the 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 this 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.

8. The Chairman of a County Council shall be *ex officio* a Justice of the Peace for the electoral area of the County Council of which he is the Chairman.

Chairman of  
County Council  
to be Justice of  
the Peace.  
[26 of 1973].

9. (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 the councillors were elected to office. In the event of a vacancy, the person elected to fill the vacancy shall hold office until the time when the person whose vacancy he filled would have gone out of office.

Term of office  
of members of  
County  
Council.

(2) A person ceasing to hold office as a member of a County Council shall, unless disqualified for holding office and subject to this Act, be eligible for re-election.

10. (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.

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 written law relating to Public Health, be the Local Authority for the electoral area for which the Council has been established.

Death, etc., of  
Chairman or  
councillors.

**11.** 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.

Declaration to  
be made by a  
member.  
[26 of 1977].  
Part I Second  
Schedule.

**12. (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 Administrative Officer and shall form part of the records of the Council Council.

**(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 the 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 (1), 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 subsection (2) shall be deemed to have ceased to be qualified to continue to be a member of that County Council.

Oath to be  
taken by a  
member of a  
County  
Council.  
[26 of 1977].  
Part II Second  
Schedule.

**13.** 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 in section 12(1), 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 Administrative Officer of the County Council.

Seat of member  
how vacated.  
[26 of 1977].

**14. (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 the Council;
- (b)** is continuously absent from Trinidad and Tobago for more than ninety days or from three consecutive ordinary meetings of the Council without the leave of the Council;
- (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 the election; or

- (d) ceases to possess any of the qualifications required by section 5(1) or (2), or is or becomes disqualified for being a member of a County Council for any of the reasons set out in section 5(3),

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 the Council specially appointed for the purpose by motion of any member of the Council to consider and verify the grounds relied on as causing the vacancy. The declaration of vacancy shall be signified forthwith by a notice under the hand of the Chief Administrative 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 the Chief Administrative Officer shall forthwith send to the Minister a copy of the notice.

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

15. (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 disqualification 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 the election, the disqualification as regards subsequent election shall cease on his return.

### PART III

#### MEETINGS AND PROCEEDINGS OF COUNTY COUNCILS

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

Meetings of County Councils. [26 of 1977].

- (a) each County Council shall hold monthly meetings for the transaction of general business on such days as the 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 the 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 the 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 at the meeting and signed by the Chief Administrative Officer shall be sent by post to or left at the address of each member of the 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) 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 the matter.

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

Standing  
Orders.

(2) Such rules and standing orders shall provide for—

(a) the regulation and conduct of the proceedings and meetings of the County Council as County Council and Local Authority within the meaning of the Public Health Ordinance and of all committees thereof;

Ch. 12. No. 4.  
(1950 Ed.).

(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 considered 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 they 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 President.

39 of 1952.

Standing  
Committees.

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

- (a) a committee for the purpose of its functions relating to roads and State 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 the 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 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.

**19. (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 18, which, in the opinion of the Council, would be better regulated and managed by means of the 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.

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

(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 the 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 the committee or of a formal report signed by the chairman of the committee.

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

21. A committee appointed by a County Council may 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. Sub-committees.

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

23. 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 section 20(3), and every meeting of a committee the proceedings of which are embodied in a report signed by the chairman of the committee and received by the County Council, shall be deemed to have been 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. Meetings deemed to have been duly convened.

## PART IV

## OFFICERS OF COUNTY COUNCILS

Duties of Chief  
Administrative  
Officer.  
[26 of 1973  
26 of 1977].

24. (1) There shall be assigned to each County Council a Chief Administrative Officer who, subject to this section, is responsible for the efficient administration of all the functions of the County Council.

(2) In the performance of his duties under subsection (1) the Chief Administrative Officer is subject to the general direction and control of the County Council.

(3) The Chief Administrative 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.

(4) The Chief Administrative 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 the meetings; and he shall also, wherever by general or special direction of the Chairman required to do so, 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 Administrative 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 Administrative 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 (e), 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 consider necessary; but this duty shall not extend to any of the technical officers whose services are made available to the County Council by the President or by any Ministry or Department of Government from time to time;
- (g) issue notices or other documents on behalf of a County Council in the exercise of its functions under the Public Health Ordinance;
- (h) do such other acts as may be necessary to maintain the efficiency of the administration of the County.

Ch. 12 No. 4.  
(1950 Ed.).

**25. 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**

**26 (1)** Subject to this Act, the following functions transferred to a County Council under the former Ordinance shall be exercisable by a County Council in relation to the electoral area for which that County Council has been established:

Functions  
transferred to  
the County  
Council.  
[39 of 1952  
3 of 1970  
26 of 1977].

- (a) the construction, maintenance, repair and lighting of all roads and bridges other than main roads and the bridges thereon;
- (b) the construction, maintenance and repair of all State traces; but the powers contained in this paragraph and in paragraph (a) shall be exercised subject to the provisions of the Highways Act;
- Ch. 48:01.
- (c) the functions carried out by Local Authorities in rural sanitary districts in accordance with the provisions of—
- Ch. 12. No. 4. (1950 Ed.).  
Ch. 28:50.
- (i) the Public Health Ordinance;
- (ii) the Malaria Abatement Act;
- and in accordance with the requirements of any other Act;
- (d) the maintenance of burial grounds licensed by the President, subject to the provisions of the Burial Grounds Act, and to any regulations made by the President thereunder;
- Ch. 30:50.
- (e) the provision, maintenance and management of markets subject to any bye-laws and regulations made by the President under the Country Markets Act;
- Ch. 68:02.
- (f) the provision, maintenance and control of Public Pastures and Recreation Grounds subject to the provisions of the Recreation Grounds and Pastures Act, and to any rules and regulations made thereunder by the President;
- Ch. 41:01.
- (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 Act.
- Ch. 35:53.
- (2) Subject to this Act, the following functions are exercisable by a County Council in relation to the electoral area for which the County Council has been established:
- (a) the distribution of truck-borne water subject to the Water and Sewerage Act;
- Ch. 54:40.
- (b) the provision, maintenance and control of all Local Government buildings;
- (c) the provision, maintenance and control of homes for the aged;

- (d) the financing and administering of the school feeding programme;
- (e) the maintenance of completed Special Works Projects;
- (f) the construction and maintenance of all drains and watercourses except main watercourses and highway watercourses;
- (g) the provision, maintenance and control of such parks, recreation grounds and public spaces as the President may from time to time by Order prescribe.

27. A County Council shall perform such other functions as the President may from time to time by Order prescribe.

Other functions of the County Council.

28. 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, the Ministry or Department or statutory body may consult the Council and the Council may give the appropriate Ministry or Department of Government or statutory body all possible assistance.

Ministries or Departments may consult County Councils.

29. (1) The President may require the Ministry or any Department of Government concerned with the discharge of functions under any of the Acts 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:

The Highways Act;

Ch. 48:01.

The Public Health Ordinance; excluding the exercise and performance of any function under Parts V to VIII of the Ordinance as amended by the Sixth Schedule formerly contained in the Water and Sewerage Act;

Ch. 12. No. 4. (1950 Ed.).

The Malaria Abatement Act.

Ch. 54:40.

Ch. 28:50.

(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 the publication.

Annual Reports  
of the County  
Council.

30. (1) On or before 31st 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  
information.  
[26 of 1977].

31. A County Council, through its Chief Administrative 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.

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

Sums receivable  
by County  
Council officers.  
[26 of 1977].

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

Estimates of  
revenue and  
expenditure of  
County  
Council.  
[26 of 1977].

34. (1) The Chief Administrative Officer shall on or before 15th May in each year prepare and submit to the County Council for its approval, draft estimates of revenue and expenditure respecting all the functions of the County Council for the financial year commencing on the 1st January next following.

(2) The County Council shall consider and approve the draft estimates subject to such alterations thereto as may seem to be desirable.

(3) Subject to section 42(3), the Chief Administrative Officer shall, on or before 30th June, submit the estimates as approved by the County Council to the Minister for his approval. The Minister may in approving the estimates make such alterations thereto as he considers proper.

(4) No moneys shall be expended on County Council functions by the Chief Administrative Officer or any other officer in any year save as provided in such estimates, unless they 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.

35. Immediately after 31st December in each year the Chief Administrative 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. [26 of 1977].

36. 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.

37. A County Council may subject to the approval of the Minister pay a 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 any subscription to be paid and the constitution of the association shall be approved by the President.

Subscription to Local Authorities Association.

38. (1) The President may 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;
- (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.

President to make regulations prescribing expenses to be paid members of County Councils.

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

Chairman not holder of office of emolument.

**39.** The offices of Chairman and acting Chairman of a County Council shall not be offices of emolument in the service of the State for any of the purposes of the Constitution of Trinidad and Tobago.

Expenditure to be for a County Council function.

**40** All expenditure for the purposes of section 7(8), and under any regulations made under section 38 shall be deemed to be expenditure for a County Council function.

## PART VII

### COMMUNITY AND VILLAGE COUNCILS

Community, district or village councils.

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

(2) Community and village councils shall be constituted in accordance with such regulations as the President 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 President to act in default. [26 of 1977].

**42. (1)** The President 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 26.

(2) If any County Council fails to comply with any of the provisions of this Act or any other written law 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 President may by Order transfer to the Minister such of the functions of the Council as may be specified in the Order.

(3) Where a County Council fails to complete consideration of its estimates by 25th June in any year, the Chief Administrative Officer shall forward the draft estimates to the Minister who shall receive them as if they had been approved by the County Council and the Minister may approve the estimates or make such alterations thereto as he considers proper.

43. (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;
- (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.

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

(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 the Act, the Council were substituted for a former Council.

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

(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.

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

(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”.

39 of 1952.

Section 3.

**FIRST SCHEDULE****The Electoral Areas of Trinidad and Tobago****FIRST COLUMN****SECOND COLUMN***Name of  
electoral area**Description of  
electoral area*

Ch. 26:01.

1. St. George

County of St. George described in the Division of Trinidad Act 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.

Ch. 39, No. 1.  
(1950 Ed.).Ch. 39, No. 11.  
(1950 Ed.).2. St. David-  
St. Andrew

Counties of St. David and of St. Andrew respectively described in the Division of Trinidad Act.

3. Nariva-Mayaro

Counties of Nariva and of Mayaro respectively described in the Division of Trinidad Act.

4. Caroni

County of Caroni described in the Division of Trinidad Act.

5. Victoria

County of Victoria described in the Division of Trinidad Act exclusive of the Borough of San Fernando as described in the San Fernando Corporation Ordinance.

Ch. 39, No. 7.  
(1950 Ed.).

6. St. Patrick

County of St. Patrick described in the Division of Trinidad.

7. Tobago

The Island of Tobago.

**SECOND SCHEDULE**

Sections 12, 13.

**PART I**

(Section 12(1))

**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 13)

**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 ill-will, 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.

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**SUBSIDIARY LEGISLATION**

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**COUNTY COUNCILS (HONORARIUM AND ALLOWANCES  
OF CHAIRMEN AND MEMBERS) REGULATIONS**

95/1970.  
[40/1973  
190/1976].

*made under section 38*

1. These Regulations may be cited as the County Councils (Honorarium and Allowances of Chairmen and Members) Regulations. Citation.

2. The Honorarium and Allowances set out in the Schedule shall be paid out of the Consolidated Fund to Chairmen of County Councils, Chairmen of Committees, Vice-Chairmen of County Councils and Members of County Councils as respects the items respectively mentioned in the first column thereof. Honorarium and allowances.  
  
Schedule.

**\*SCHEDULE**

[40/1973  
190/1976].

HONORARIUM AND ALLOWANCES PAYABLE TO CHAIRMEN AND MEMBERS OF  
COUNTY COUNCILS

Allowances	Trinidad	Tobago
1. Out-of-pocket Grants		
(a) Members of County Councils		
(i) Living within a radius of 20 miles from the County Council Office	\$390 a month	\$430 a month
(ii) Living outside a radius of 20 miles from the County Council Office	\$420 a month	\$460 a month
(b) Chairmen of Committees	\$56 a month	\$63 a month
(c) Vice-Chairmen of County Councils	\$56 a month	\$63 a month
2. Travelling Allowance of Chairmen of County Councils	\$220 a month for St. George \$175 a month for others	\$175 a month
3. Honorarium to Chairmen of County Councils	\$2,820 a year	\$2,820 a year

\*The Schedule shall be deemed to have come into force on 1st January 1974.

[Subsidiary]

185/1952.

**COUNTY COUNCILS (SUPPLIES AND SERVICES)  
REGULATIONS**

*\*deemed to be made under section 24(4)*

Citation.

**1.** These Regulations may be cited as the County Councils (Supplies and Services) Regulations.

Placing of order.

**2.** Where the articles or services required are of a class in respect of which arrangements have been made by the Government for the supply or performance, the Chief Administrative Officer shall place his order for such articles or services with the Government contractor at the contract prices.

Order by contract.

**3.** Any articles to be purchased or services to be performed in Trinidad and Tobago shall, unless the estimated cost is less than six hundred dollars, be ordered or arranged for by contract after public tender in the manner provided for by these Regulations but if no tenders are made, or if the President has ground for believing that the tenders submitted are collusive or unreasonable he shall give such directions as he thinks fit.

Advertisement for tenders.

**4.** The Chief Administrative Officer shall by advertisement published in two of the daily newspapers in circulation in Trinidad and Tobago and in one issue of the *Gazette* call for tenders, and the advertisement shall specify clearly the nature of the articles or the services required.

County Council Tenders Board.

**5. (1)** All tenders shall be in writing and shall be considered by the County Council Tenders Board (hereinafter referred to as the Tenders Board), which shall consist of the Chairman of the County Council, the Chairman of the Roads Committee, the Chairman of the Health Committee, the Chairman of the Finance and General Purposes Committee, the Chief Administrative Officer, the Medical Officer of Health of the District and the District Engineer.

**(2)** At any meeting of the Tenders Board, four shall form a quorum, of whom at least two shall be elected members and at least two shall be official members.

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\*These Regulations were made under section 99 of the County Council Ordinance (now repealed) and continue by force by virtue of section 29(3) of the Interpretation Act (Ch, 3:01).

(3) The Chairman of the County Council shall be *ex officio* Chairman of the Tenders Board; and if the Chairman is absent, the members present shall appoint one of their number to preside at the meeting.

(4) The Chief Administrative Officer shall cause to be kept proper books and accounts of all transactions, and a record and copies of all contracts entered into.

(5) In respect of articles to be purchased out of Trinidad and Tobago the Chief Administrative Officer shall comply as closely as the circumstances of the case will permit with the procedure applicable to the purchase of goods out of Trinidad and Tobago for the use of a Government Department.

(6) It shall be lawful for the President, if it seems to him at any time necessary or desirable to give specific directions to the Chief Administrative Officer, and the Chief Administrative Officer shall comply with such directions, notwithstanding that the directions shall be contrary to any of these Regulations; but the Chief Administrative Officer shall communicate all directions so given to him to the Chairman of the County Council in writing.

(7) Any directions of the President under these Regulations shall be communicated in writing under his hand.

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## CONSTITUTION OF THE ASSOCIATION OF COUNTY COUNCILS IN TRINIDAD AND TOBAGO

84/1953.  
[60/1956].

*\*deemed to be approved under section 37*

### CONSTITUTION

#### FORMATION OF ASSOCIATION

1. The Association—to be known as the Association of County Councils in Trinidad and Tobago—shall consist of representatives of the County Councils of the following Counties: St. George, St. David-St. Andrew, Nariva-Mayaro, Victoria, St. Patrick, Caroni and the Ward of Tobago.

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\*This Constitution was approved under Section 113 of the County Council Ordinance (now repealed) and continues in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

## OBJECTS

## 2. The objects of the Association are:

- (1) To enable representatives of the constituent Councils to confer together in regard to County Council matters of common interest, particularly legislative or administrative proposals, with a view to taking common action thereon.
- (2) To act as a medium of communication and to confer with Government Departments and other bodies on questions affecting the constituent Councils generally.
- (3) To take such action as may be deemed desirable in relation to any matter which concerns the constituent Councils generally.
- (4) To provide representation on Government or Public Bodies.

## REPRESENTATION OF COUNCILS

3. Each Council shall be represented on the Association by the Chairman of the County Council and three other members of each County Council who shall hold office for a year provided that the members referred to shall be elected by the County Council and that in the event of any of the representatives being unable to attend any meeting it shall be competent for the County Council concerned to appoint other representatives for that meeting.

## CHAIRMAN

4. The Association shall annually appoint a Chairman and a Vice-Chairman each of whom shall be eligible for re-election. In the absence of the Chairman and the Vice-Chairman from any meeting of the Association, a Chairman for such meeting shall be elected from the representatives present at the meeting by a majority of such representatives.

## CLERK

5. (1) The Association may from time to time appoint a fit and proper person, not being a member of any of the constituent Councils, to be the Clerk of the Association (hereinafter referred to as the Clerk), who shall hold office during good behaviour. It shall be lawful for the Association to remove any such Clerk from office for any such misconduct as would warrant removal from any office held during good behaviour.

(2) The remuneration of the Clerk shall be at such rate as the Association, with the approval of the President, shall fix from time to time.

(3) In case of a vacancy in the office of Clerk or if for any reason the holder of such office is unable to act, the Association may appoint some other person to act as Clerk during the period of such vacancy or inability of the Clerk to act.

(4) It shall be the duty of the Clerk to attend all meetings of the Association, to draw up the minutes of such meetings, to forward a copy of all minutes to the President, to have charge and custody of, and to be responsible for, such records and documents of the Association as pertain to his office, and to perform all such duties as may be imposed on him by decision of the Association.

## MEETINGS

6. A meeting of the Association shall be called at any time on the instruction of the Chairman or on the application of any two of the constituent Councils. Except in the case of urgency, seven days' notice of any meeting shall be given. The notice shall contain an agenda of the business to come before the meeting.

## QUORUM

7. At each meeting of the Association ten members representing at least three of the constituent Councils shall constitute a quorum.

## COMMITTEES

8. The Association shall annually appoint such Committees as they may find necessary, including an Executive Committee which shall consist of the Chairmen of the constituent Councils, whom failing the Vice-Chairmen, along with the Chairman and the Vice-Chairman of the Association.

## EXPENDITURE

9. The Clerk shall act as Treasurer of the Association and shall submit annually a statement of any expenditure incurred by instructions of the Association, to a meeting of the Association. If such expenditure is approved of, the meeting shall apportion the same amongst the constituent Councils in equal proportions. The sums so apportioned shall for the purpose of section 37 of the County Councils Act be the subscriptions payable by the constituent members for the year.

## STANDING ORDERS

10. The Standing Orders for County Councils, prescribed under section 17 of the County Councils Act shall apply *mutatis mutandis* to proceedings of the Association.

## ALTERATION OF CONSTITUTION

11. No alteration shall be made in the terms of this constitution except with the consent of five constituent Councils represented by not less than eighteen members present at a meeting convened for the purpose.

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