

ABILL

ENTITLED

AN ACT to Amend the Local Governance Act, and to provide for connected matters.

[]

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

1. This Act may be cited as the Local Governance (Amendment) Act, 2016, and shall be read and construed as one with the Local Governance Act (hereinafter referred to as the “principal Act”).

Short title and construction.

2. Section 5 of the principal Act is amended—

(a) in subsection (3), by inserting next after the words “(repealed by section 53 of this Act)” the words “, subject to subsection (3A)”;

Amendment of section 5 of principal Act.

- (b) by inserting next after subsection (3) the following subsection—

“ (3A) Without prejudice to any power conferred by section 8 or 8A, the area specified in Part II(A) of the First Schedule and delineated on the map set out in Part II(B) of the First Schedule shall be the area of the Municipality of Portmore.” and;

- (c) in subsection (4), by inserting next after the words “set out in” the words “Part I of”.

3. The principal Act is amended by inserting next after section 8 the following section—

Insertion of
new section 8A
in principal
Act.

“Alteration
of
boundaries
of
Municipal-
ity.

8A.—(1) Where an order is made under section 8(1) in respect of a City Municipality or Town Municipality, the boundaries set out in the order pursuant to section 8(6) may be amended in accordance with the procedure set out in this section.

(2) A written submission proposing the alteration of the boundaries of a City Municipality or Town Municipality may be made to the Minister by—

- (a) the Council of the Municipal Corporation of the parish;
- (b) the Council of the City Municipality or Town Municipality concerned;
- (c) the Electoral Commission of Jamaica established under the *Electoral Commission (Interim) Act*; or
- (d) any public, private or non-governmental organization representing the inhabitants of the City Municipality or Town Municipality, as the case may be.

(3) Where a submission is made to the Minister by an entity in accordance with subsection (2), the Minister shall, by such methods as the Minister considers appropriate, consult with the other entities mentioned in that subsection.

(4) After undertaking the consultation required under subsection (3), the Minister may, by order subject to affirmative resolution, if the Minister considers it expedient for the boundaries of the City Municipality or Town Municipality (as the case may be) to be altered, amend the order made under section 8(1) so as to reflect the new boundaries.

(5) For the purposes of this section, the provisions of section 5(3A) shall be deemed to be an order made under section 8(1).

(6) The provisions of subsection (3) shall be deemed to be satisfied if the Minister publishes, on at least two occasions in a daily newspaper in circulation throughout Jamaica, a notice inviting the entities required to be consulted under that subsection to submit their views on the matter within the time specified in the notice.”.

4. Section 13 of the principal Act is amended—

(a) in subsection (1) by deleting the words “subsection (2)” and substituting therefor the words “subsections (1A) and (2)”; and

(b) by inserting next after subsection (1) the following subsection—

“ (1A) In the case of a Council of a Municipal Corporation, the Councillors entitled to sit on the Council shall not include any Councillor entitled to sit on the Council of a City Municipality or Town Municipality of the relevant parish.”.

Amendment
of section 13
of principal
Act.

Amendment
of First
Schedule of
principal Act.

5. The First Schedule of the principal Act is amended by inserting next after—

- (a) the heading “First Schedule” the sub-heading “Part I”; and
- (b) the words “The Westmoreland Municipal Corporation” the following as Part II of the First Schedule—

“

Part II

(A) — *Area of the Municipality of Portmore*

From the point where the St. Catherine and St. Andrew Parish Boundary meets westerly along the Fresh River;

South-easterly and along the Fresh River to where it meets the Salt River/Duhaney River;

South-easterly and along this river to where it enters the Sandy Gully;

South-easterly and along the Sandy Gully to where it enters the Hunts Bay;

Southerly and in a straight line from this point to where it meets the Portmore to Kingston Causeway;

North-easterly and along this road to where it meets the St. Andrew and St. Catherine Parish Boundary at the bridge and then to the coastline;

South-westerly and along the coastline to the point where the Salt Island Creek enters the Galleon Harbour;

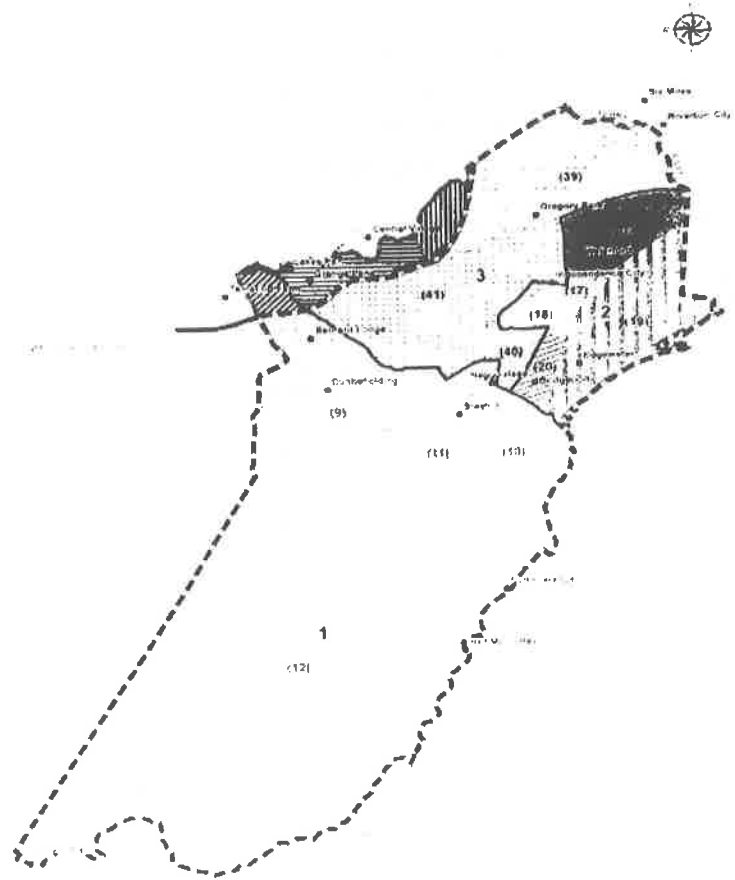
Northerly and along the Salt Island Creek and along the boundary between the Constituencies of South St. Catherine and South Central St. Catherine;

Northerly along the boundaries between the constituency of South St. Catherine and South Central St. Catherine to Salt Pond Road, Northerly along Salt Pond Road to the Toll Road;

North-easterly along the Toll Road to where it meets the Nelson Mandela Highway;

Easterly along the Nelson Mandela Highway to the starting point at the St. Catherine and the St. Andrew Parish Boundary at the Fresh River.

(B) — *Map of the Municipality of Portmore*



Amendment
of the *Poor
Relief Act*.

6. Section 17 of the *Poor Relief Act* is amended—
- (a) in subsection (4) by deleting the words “Parish Council” and substituting therefor the words “Local Authority”;
 - (b) by deleting the words “Parish Council” wherever they appear in the section and substituting therefor the words “Local Authority, within the area of its jurisdiction,”; and
 - (c) in subsection (5) by deleting the words “subsection (1) of section 10 of the *Parish Councils (Unified Service) Act*, or section 13 of the *Municipal Service Commission Act*” and substituting therefor the words “section 5(3) of the *Local Government (Unified Service and Employment) Act*”.

Revocation
of the
*Municipalities
(Portmore)
Order, 2015*.

7. The *Municipalities (Portmore) Order, 2015*, is hereby revoked.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the *Local Governance Act* in order to—

- (a) make clearer the procedure for the alteration of boundaries of existing Municipalities;
- (b) provide, consequentially, for the revocation of the *Municipalities (Portmore) Order, 2015*; and
- (c) provide that Councillors entitled to sit on the Council of a Municipal Corporation shall not include Councillors entitled to sit on the Council of a City Municipality or Town Municipality of the parish.

This Bill seeks to give effect to that decision, and also makes amendments to the *Poor Relief Act*, consequent on the enactment of the *Local Governance Act*.

DESMOND MCKENZIE
Minister of Local Government and
Community Development.

A BILL

ENTITLED

AN ACT to Amend the Local Governance Act, and to provide for connected matters.

As introduced by the Honourable Minister of Local Government and Community Development.

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SECTION 5 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

5.—(1)

(3) The Municipality of Portmore established under the *Municipalities Act* (repealed by section 53 of this Act)—

- (a) is hereby continued as, and deemed to be, a City Municipality under this Act; and
- (b) is to be known as the Municipality of Portmore, unless otherwise determined by the Minister by order subject to affirmative resolution, and (for the avoidance of doubt) the assets and liabilities of that Municipality are hereby vested in that City Municipality.

(4) The Municipal Corporations referred to in subsections (1) and (2) shall bear the respective corporate names set out in the First Schedule.

SECTION 13 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

13.—(1) Subject to subsection (2), the Councillors entitled to sit on the Council of a Local Authority are the Councillors elected from electoral divisions wholly contained within the boundaries of the Local Authority.

(2) In the case of a City Council or a Town Council, each Councillor who represents an electoral division that, although not falling entirely within the boundaries of the City Municipality or Town Municipality (as the case may be) contains polling divisions—

- (a) entirely within the boundaries of the Municipality; and
- (b) the electors for which constitute more than fifty percent of the electors for that electoral division,

shall be entitled to sit on the City Council or Town Council, as the case may be.

SECTION 17 OF THE POOR RELIEF ACT WHICH
IT IS PROPOSED TO AMEND

17.—(1) The Parish Council in each parish shall be the managers of the poor under this Act, and the whole administration of the law for the relief of the poor shall, subject to the provisions of this Act, be under the direction and control of such Parish Council.

(2) All matters relating to the exercise by a Parish Council of its functions under this Act shall stand referred to a Committee (to be known as the Poor Relief Committee) of the Parish Council, and the Parish Council before exercising

any such functions shall, unless in their opinion the matter is urgent, first receive and consider the report of such Committee with respect to the matters in question.

(3) The Parish Council may delegate to the Poor Relief Committee, with or without any restrictions or conditions as they think fit, any of the functions of the Parish Council under this Act.

(4) (a) Every Poor Relief Committee shall be constituted of—

- (i) not more than two members (who shall not necessarily be members of the Parish Council) nominated by the Board of Supervision for a period not exceeding two years, and eligible for re-nomination on the expiration of such period;
 - (ii) four other members nominated by the Parish Council.
- (b) Every Poor Relief Committee shall, notwithstanding anything in this section, have power at any time to co-opt not more than two persons to assist in its deliberations, but no persons so co-opted shall have any right to vote on any matter voted upon by the Committee.
- (c) The Parish Council shall appoint one of the members of the Poor Relief Committee to be the Chairman of such Committee.
- (d) Three members of the Poor Relief Committee shall form a quorum.
- (e) The Poor Relief Committee shall have power to regulate its own procedure.
- (f) If any member of the Poor Relief Committee shall, without leave of the Parish Council first had and obtained, fail to attend six consecutive meetings of the Committee, his seat on the Committee shall thereupon become vacant.

(5) Notwithstanding anything to the contrary, references in subsections (2) and (3) to the functions of a Parish Council under this Act shall not include the functions described in subsection (1) of section 10 of the *Parish Councils (Unified Service) Act*, or section 13 of the *Municipal Service Commission Act*, relating to poor relief officers.