

No. 44 OF 1934.

*Repealed by
Law 23/1942*

A LAW TO AMEND THE MUNICIPAL CORPORATIONS
LAW, 1930.

A.D. 1934.

44 of 1934.

H. R. PALMER,]

[6th October, 1934.

Governor.

BE it enacted :—

1. This Law may be cited as the Municipal Corporations (Amendment) Law, 1934, and shall be read as one with the Municipal Corporations Law, 1930, (hereinafter called "the Principal Law"), and the Principal Law and this Law may together be cited as the Municipal Corporations Laws, 1930 and 1934.

Short title.

26 of 1930.

2. The definition of "Town" in section 2 of the Principal Law is hereby amended by the insertion of the words "or village" after the words "the town" in line 1.

Amendment
of section 2
of Law 26
of 1930.

3. The following section shall be substituted for section 67 of the Principal Law :—

New section
substituted
for section
67 of Law 26
of 1930.

" Appoint-
ment of
principal
officers.

67.—(1) The council may, and when required by the Commissioner so to do shall, appoint fit persons, not being members thereof, to all or any of the following principal offices, that is to say, the office of—

- (a) town clerk,
- (b) treasurer,
- (c) municipal engineer,
- (d) sanitary surveyor,
- (e) medical officer of health :

Provided that one person may be appointed to the office of town clerk and treasurer.

(2) No person who is over sixty years of age shall be appointed to any of the offices enumerated in sub-section (1) hereof.

(3) Every appointment under this section shall be subject to the approval of the Commissioner and shall not take effect until it is approved by him.

(4) Every person appointed under this section shall hold office during the pleasure of the council and shall receive such salary as the council with the approval of the Commissioner shall appoint :

Provided that such person shall not be dismissed or removed from office except—

(a) in accordance with a resolution of the council passed by a majority of at least two-thirds of those councillors who shall be present at a meeting of the council specially convened for the purpose after notice of not less than seven or more than fourteen days before such meeting, and

(b) with the approval of the Commissioner.

(5) Every person who completes his sixtieth year of age while holding any of the offices enumerated in sub-section (1) hereof, shall cease to hold such office :

Provided that—

(a) by a resolution of the council passed by a majority of at least two-thirds of those councillors who shall be present at a meeting of the council specially convened for the purpose after notice of not less than seven or more than fourteen days before such meeting, and for special reasons recorded therein, and

(b) with the approval of the Commissioner, such person may continue in office thereafter for such period as may be specified in such resolution.

(6) A vacancy in any of the offices enumerated in sub-section (1) hereof shall be filled, in accordance with the provisions of this section, within two months of its occurrence.

(7) If from any cause any person who holds any of the offices enumerated in sub-section (1) hereof is temporarily unable to perform the duties of his office, the council may appoint a deputy to hold such office during the pleasure of the council, and such deputy may do all things and perform all acts which by law the officer for whom he is deputy is required to do or perform, and shall be liable to the same penalties for any failure therein."

4. The following section shall be substituted for section 69 of the Principal Law :—

“ Appoint-
ment of
subordinate
officers.

69.—(1) The council may appoint fit persons, not being members thereof, to such subordinate offices as they think necessary for the purposes of this Law.

(2) The provisions of sub-sections (2), (4) and (5) of section 67 hereof shall apply to every appointment made, and to every person appointed, under this section.”

New section substituted for section 69 of Law 26 of 1930.

5. The following section is hereby inserted immediately after section 73 of the Principal Law :—

“ Contracts.

73A.—(1) Contracts on behalf of the council shall be made in writing under the corporate seal and the hand of the mayor and any two councillors authorized by the council in that behalf :

Provided that contracts incidental to the ordinary conduct of the current business of the municipal corporation may, subject to the provisions of the Contract Law, 1930, be made in writing or parol, as the case may be, on behalf of the corporation by the mayor, and any such contract made in writing may be varied or discharged in writing and any such contract made by parol may be varied or discharged in writing or parol :

Provided also that contracts the duration of which exceed one year shall be subject to the approval of the Governor.

(2) All contracts made in accordance with this section shall be effectual in law and shall bind the municipal corporation and the council for the time being and all the other parties thereto, their heirs, executors or administrators, as the case may be.

(3) Nothing in this section shall be deemed to affect the validity of any contract made on behalf of the council or the corporation before the date of the coming into operation of this Law.”

Insertion of new section 73A in Law 26 of 1930.

6. Section 88 of the Principal Law is hereby amended by the insertion of the words “ and approved by the Governor ” after the word “ council ” in the last line thereof.

Amendment of section 88 of Law 26 of 1930.

Amendment
of section
107 (2) of
Law 26 of
1930.

7. Sub-section (2) of section 107 of the Principal Law is hereby amended by the deletion therefrom of the words "thirty first day of March and the thirtieth day of September" and the substitution therefor of the words "thirtieth day of June and the thirty first day of December".

Amendment
of section
108 (2) of
Law 26 of
1930.

8. Sub-section (2) of section 108 of the Principal Law is hereby amended by the deletion therefrom of the words "A copy of the accounts shall be published in the *Gazette*." and the substitution therefor of the words "A copy of the audited accounts for each year shall be published in the *Gazette*."

Amendment
of section
115 (1) of
Law 26 of
1930.

9. Sub-section (1) of section 115 of the Principal Law is hereby amended as follows:—

(a) by the deletion from paragraph (y) thereof of the word "Name" and the substitution therefor of the words "With the approval of the Governor name".

(b) by the deletion therefrom of paragraph (ee) and the substitution therefor of the following paragraph:—

"(ee) Keep sufficient balances, scales and weights for the weighing of goods and apparatus for testing spirits, in accordance with this Law."

Amendment
of section
116 of Law
26 of 1930.

10. Section 116 of the Principal Law is amended as follows:—

(a) By the insertion in paragraph (a) (ii) thereof of the words "without the consent of the Governor" after the words "shall not" in line 4.

(b) By substituting the following paragraph for paragraph (e) thereof:—

"Markets for
cattle and
perishable
goods.

(e) To provide for the allotment of special places for the sale of cattle and of perishable goods and to regulate the fees, rents and tolls for the use of such special places."

(c) By the insertion of the following paragraphs immediately after paragraph (k) thereof:—

"Bathing.

(l) To regulate bathing in the sea and to secure the safety and comfort of persons who resort to the beach within the municipal limits.

Arrears.

(m) With the approval of the Governor to cancel irrecoverable arrears of revenue."

11. Section 139 (1) (b) of the Principal Law is hereby amended by the insertion of the words "the leaves of which do not open or project into the street" after the word "door" in line 4.

Amendment of section 139 (1) (b) of Law 26 of 1930.

12. Section 139 (3) of the Principal Law is hereby amended by the insertion of the words "or require the alteration of any plan, section or drawing so produced to it" after the word "desirable".

Amendment of section 139 (3) of Law 26 of 1930.

13. Section 143 (1) of the Principal Law is hereby amended by the deletion therefrom of the words "the said section" and the substitution therefor of the words "section 136 hereof".

Amendment of section 143 (1) of Law 26 of 1930.

14. The following section is hereby inserted immediately after section 143 of the Principal Law :—

Insertion of new section 143A in Law 26 of 1930.

"Space left vacant to be part of the street.

143A. When in any street in respect of which action has been taken under section 136 or section 138 hereof a new building is erected in accordance with any plan determining the width of such street, the space left vacant in consequence of the building having been set back shall thereupon be deemed to be part of such street and the Land Registry Office may, upon the application of any interested party, cause the necessary amendments to the relative registrations to be effected and the amended registration shall be held final notwithstanding that any certificate relating thereto remains without amendment."

15. The following section is hereby substituted for section 145 of the Principal Law :—

New section substituted for section 145 of Law 26 of 1930.

"Penalties and demolition orders.

145.—(1) Any person contravening any of the provisions of sections 139 to 144 hereof, inclusive, or of any order made thereunder shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding five pounds and the Court before which any such person is convicted shall order that the building or the part thereof, as the case may be, in respect of which the offence was committed shall be pulled down or removed within such time as shall be specified in such order unless a permit in writing from the council is obtained in respect thereof in the meantime :

Amendment
of section
107 (2) of
Law 26 of
1930.

7. Sub-section (2) of section 107 of the Principal Law is hereby amended by the deletion therefrom of the words "thirty first day of March and the thirtieth day of September" and the substitution therefor of the words "thirtieth day of June and the thirty first day of December".

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of section
108 (2) of
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8. Sub-section (2) of section 108 of the Principal Law is hereby amended by the deletion therefrom of the words "A copy of the accounts shall be published in the *Gazette*." and the substitution therefor of the words "A copy of the audited accounts for each year shall be published in the *Gazette*."

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9. Sub-section (1) of section 115 of the Principal Law is hereby amended as follows:—

(a) by the deletion from paragraph (y) thereof of the word "Name" and the substitution therefor of the words "With the approval of the Governor name".

(b) by the deletion therefrom of paragraph (ee) and the substitution therefor of the following paragraph:—

"(ee) Keep sufficient balances, scales and weights for the weighing of goods and apparatus for testing spirits, in accordance with this Law."

Amendment
of section
116 of Law
26 of 1930.

10. Section 116 of the Principal Law is amended as follows:—

(a) By the insertion in paragraph (a) (ii) thereof of the words "without the consent of the Governor" after the words "shall not" in line 4.

(b) By substituting the following paragraph for paragraph (e) thereof:—

"Markets for
cattle and
perishable
goods.

(e) To provide for the allotment of special places for the sale of cattle and of perishable goods and to regulate the fees, rents and tolls for the use of such special places."

(c) By the insertion of the following paragraphs immediately after paragraph (k) thereof:—

"Bathing.

(l) To regulate bathing in the sea and to secure the safety and comfort of persons who resort to the beach within the municipal limits.

Arrears.

(m) With the approval of the Governor to cancel irrecoverable arrears of revenue."

11. Section 139 (1) (b) of the Principal Law is hereby amended by the insertion of the words "the leaves of which do not open or project into the street" after the word "door" in line 4.

Amendment of section 139 (1) (b) of Law 26 of 1930.

12. Section 139 (3) of the Principal Law is hereby amended by the insertion of the words "or require the alteration of any plan, section or drawing so produced to it" after the word "desirable".

Amendment of section 139 (3) of Law 26 of 1930.

13. Section 143 (1) of the Principal Law is hereby amended by the deletion therefrom of the words "the said section" and the substitution therefor of the words "section 136 hereof".

Amendment of section 143 (1) of Law 26 of 1930.

14. The following section is hereby inserted immediately after section 143 of the Principal Law :—

Insertion of new section 143A in Law 26 of 1930.

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143A. When in any street in respect of which action has been taken under section 136 or section 138 hereof a new building is erected in accordance with any plan determining the width of such street, the space left vacant in consequence of the building having been set back shall thereupon be deemed to be part of such street and the Land Registry Office may, upon the application of any interested party, cause the necessary amendments to the relative registrations to be effected and the amended registration shall be held final notwithstanding that any certificate relating thereto remains without amendment."

15. The following section is hereby substituted for section 145 of the Principal Law :—

New section substituted for section 145 of Law 26 of 1930.

"Penalties and demolition orders.

145.—(1) Any person contravening any of the provisions of sections 139 to 144 hereof, inclusive, or of any order made thereunder shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding five pounds and the Court before which any such person is convicted shall order that the building or the part thereof, as the case may be, in respect of which the offence was committed shall be pulled down or removed within such time as shall be specified in such order unless a permit in writing from the council is obtained in respect thereof in the meantime :

Provided that the council may in granting such permit impose such terms and conditions as to the council may seem fit.

(2) If the person against whom an order has been made under the provisions of sub-section (1) hereof shall fail or neglect to comply with such order within the time specified therein, it shall be lawful for the council to carry out such order and any costs incurred for the carrying out thereof shall be payable to the council by the person against whom the order was made and shall be recoverable from him as a civil debt.

(3) Any person who shall fail or neglect to comply with any order made under the provisions of sub-section (1) hereof shall, notwithstanding that the council has proceeded to carry out such order, be guilty of an offence and shall on summary conviction be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment."

16. Sub-section (1) of section 164 of the Principal Law is hereby repealed and the following sub-section substituted therefor :—

Repeal of sub-section (1) of section 164 of Law 26 of 1930 and substitution of new sub-section.

" Power of council to restrict certain classes of trades.

164.—(1) It shall not be lawful for any person to keep within any municipal limits a place or building,—

- (a) as a khan or public stable,
- (b) as a tannery,
- (c) for the purpose of drying or storing skins,
- (d) as a farrier's shop,
- (e) as a factory where steam, electric or mechanical power is used or in which any explosive substance is used,
- (f) as a coffee-house,
- (g) as a kiln, or
- (h) as an oven for bakeries,

without a licence first obtained therefor from the council."

17. The following section shall be substituted for section 166 of the Principal Law :—

“ Register of trade licences.

166.—(1) Any person desiring to carry on, exercise or practice any business, trade, calling or profession within any municipal limits shall apply to the council for a licence and the council shall thereupon decide the business, trade, calling or profession of such person and the class of such business, trade, calling or profession to which such person belongs and shall enter the same in a register kept for the purpose (hereinafter called the “ register of trade licences ”):

Provided that any person aggrieved may within seven days from the date of notification of such decision appeal to the Commissioner of the district whose decision shall be final and conclusive.

(2) If any person fails to apply to the council for a licence as in sub-section (1) hereof provided within one month of his having commenced or recommenced to carry on, exercise or practise any business, trade, calling or profession the council may decide the business, trade, calling or profession of such person and the class to which such person belongs and shall enter the same in the register of trade licences and such decision shall be final and conclusive.

(3) The council shall keep the register of trade licences open to the inspection of any interested person at all reasonable times without the payment of any fee.”

18. Sub-section (1) of section 173 of the Principal Law is hereby amended by the insertion of the words “ or such lesser scale as may be fixed by bye-laws made by the council ” after the words “ schedule hereto ”.

Amendment of sub-section (1) of section 173 of Law 26 of 1930.

19. Sub-section (1) of section 174 of the Principal Law is hereby amended by the insertion of the word “ place ” after the word “ building ” in line 2.

Amendment of sub-section (1) of section 174 of Law 26 of 1930.

20. Section 179 of the Principal Law is hereby amended by the insertion of the word “ place ” after the word “ building ” in line 2.

Amendment of section 179 of Law 26 of 1930.

New section substituted for section 166 of Law 26 of 1930.

New section substituted for section 192 of Law 26 of 1930.

21. The following section shall be substituted for section 192 of the Principal Law :—

“ Saving.

192. This Part of this Law shall not apply—

(a) to any goods the subject matter of any sale or purchase by or on behalf of the Government of the Colony, nor to any goods brought into any municipal limits, nor to any goods imported into the Colony, by or on behalf of the Government of the Colony ;

(b) to any goods the subject matter of any sale or purchase by or on behalf of His Majesty's Forces and duly certified as such by the officer who carries out such sale or purchase.”

Amendment of section 199 of Law 26 of 1930.

22. Section 199 of the Principal Law is hereby amended as follows :—

(a) by the insertion of the word “ or ” after the word “ meetings ” in line 5 of paragraph (c) thereof ;

(b) by the insertion of the following paragraphs immediately after paragraph (c) thereof :—

“(d) the refusal by a council to grant a permit required under the provisions of section 139 hereof, or

(e) any order of the council made under section 140 or 142 or 144 hereof,”

(c) by the insertion of the words “ within fourteen days from the date of notification of the decision of the council upon any matter as in this section mentioned, as the case may be, ” after the word “ may ” in line 14.

Insertion of new section 202A in Law 26 of 1930.

23. The following section is hereby inserted after section 202 of the Principal Law :—

“ Commutation of Court fees.

202A.—(1) Notwithstanding anything in any enactment contained, the Governor in Council may, on the application of a council and on payment by such council of such annual sum as the Governor in Council may from time to time determine, remit any Court fees payable by the municipal corporation or council in respect of any legal proceedings instituted by such corporation or council for the enforcement of the provisions of this Law or of any bye-laws made thereunder, and thereafter no such fees

shall be paid by any municipal corporation or council in respect of which such remission has been made.

(2) No advocate's fees shall be awarded by any Court against any person in any proceedings instituted by a municipal corporation or council in respect of which the Court fees have been remitted under the provisions of sub-section (1) hereof :

Provided that provision may be made in the estimates of such municipal corporation for the remuneration of advocates employed for the conduct of prosecutions."

24. Section 204 of the Principal Law is hereby amended by the insertion of the following proviso :—

Amendment of section 204 of Law 26 of 1930.

" Provided that if at any time both the mayor and the deputy mayor are absent from the municipal limits or they are unable to perform the duties or exercise the powers conferred upon the mayor by this Law or any Law amending this Law, such duties shall be performed and such powers shall be exercised by such councillor as the Governor may appoint in that behalf who shall have all the powers of the mayor and shall be liable to the like penalties for any failure therein."

25. The Sixth Schedule to the Principal Law is hereby amended as follows :—

Amendment of Sixth Schedule to Law 26 of 1930.

(a) By the deletion from paragraph 1 thereof of the words " on the second Monday " and the substitution therefor of the words " on any day in the second week ".

(b) By the insertion of the words " by the town clerk " after the word " correctly " in line 2 of paragraph 12 thereof.

26. The Ninth Schedule to the Principal Law is hereby amended as follows :—

Amendment of Ninth Schedule to Law 26 of 1930.

(a) The expression " Barbers 20 15 10 5 3 " shall be substituted for the expression

" Barbers 30 20 15 10 3 ".

(b) The expression " Butchers 20 15 10 5 3 " shall be substituted for the expression

" Butchers 30 20 15 10 3 ".

(c) The expression								
“ Dyers	30	20	10	5	3”			
shall be substituted for the expression								
“ Dyers	60	30	20	10	5”.			
(d) The expression								
“ Fruit and vegetable gardeners	20	15	10	5	3”			
shall be substituted for the expression								
“ Fruit and vegetable gardeners	20	15	10	8	4”.			
(e) The expression								
“ Hairdressers	20	15	10	5	3”			
shall be substituted for the expression								
“ Hairdressers	30	20	15	10	3”.			
(f) The expression								
“ Moneylenders	100	60	30	20	10”			
shall be substituted for the expression								
“ Moneylenders	60	40	30	20	10”.			
(g) The expression								
“ Persons in private employ ..	60	40	15	5	3”			
shall be substituted for the expression								
“ Persons in private employ ..	60	40	20	10	5”.			
(h) The expression								
“ Tile makers and potters ..	30	20	15	10	3”			
shall be substituted for the expression								
“ Tile makers and potters ..	30	20	15	10	5”.			
(i) The expression								
“ Wine and spirit merchants, wholesale or retail, selling foreign wines and spirits and other intoxicating liquors	100	60	40	15	5”			
shall be substituted for the expression								
“ Wine and spirit merchants, wholesale or retail, selling foreign wines and spirits and other intoxicating liquors ..	60	40	30	20	10”.			
(j) The expression								
“ Wine and spirit merchants, wholesale, selling wines and spirits and other intoxicating liquors manufactured in the Colony	100	60	40	15	5”			
shall be substituted for the expression								
“ Wine and spirit merchants, wholesale, selling wines and spirits and other intoxicating liquors manufactured in the Colony	60	40	30	20	10”.			

27. The Tenth Schedule to the Principal Law is hereby amended by the deletion therefrom of the words "For hawking drapery and other articles" and the substitution therefor of the words "For hawking articles not otherwise enumerated".

Amendment of Tenth Schedule to Law 26 of 1930

28. The Twelfth Schedule to the Principal Law is hereby amended as follows:—

Amendment of Twelfth Schedule to Law 26 of 1930.

- (a) The expression
 "Silk 3 30 paras per oke"
 shall be substituted for the expression
 "Silk 3 1½cp. ,, "
- (b) The expression
 "Silk cocoons, dry10 5 paras per oke"
 shall be substituted for the expression
 "Silk cocoons, dry10 10 paras ,, "
- (c) The expression
 "Silk cocoons, fresh25 3 paras per oke"
 shall be substituted for the expression
 "Silk cocoons, fresh20 5 ,, "
- (d) The expression
 "Pumice stone40 4½cp. per ton"
 shall be inserted in its proper alphabetical place therein."

29. Every person who on the date of the coming into operation of this Law holds any of the offices to which section 67 or 69 of the Principal Law relates shall be deemed to have been appointed and to hold office under the provisions of section 67 or 69 of the Principal Law as the case may be.

Existing appointments of officers.

This Law came into operation on 12th October, 1934.