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**CHAPTER 37****LOCAL GOVERNMENT**

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**CHAPTER 37**

## LOCAL GOVERNMENT

**An Act to make provision for local government in the Commonwealth of The Bahamas.***[Assent 5th March, 1996]**[Commencement 25th June, 1996]*

5 of 1996  
 S.I. 46/1999  
 S.I. 47/1999  
 S.I. 71/2002  
 S.I. 43/2005  
 5 of 2008  
 20 of 2008<sup>2</sup>  
 S.I. 56/2008

1. This Act may be cited as the Local Government Act. Short title.

**PART I  
 PRELIMINARY**

2. In this Act, unless the context otherwise requires — Interpretation.

“Assistant Administrator” means a person appointed under section 37 as an Assistant Family Island Administrator;

“board” means a board appointed by a Council pursuant to the provisions of section 14(1)(a) or (3)(a)(i), as the case may be;

“Chairman” means the person elected, under subsection (2) of section 8, as chairman of a town committee;

“Chief Councillor” means the person elected, under subsection (1) of section 11, as Chief Councillor of a Council;

“committee member” means a member elected to a town committee under the provisions of this Act;

“constituency” has the meaning assigned thereto in Article 68 of the Constitution;

“Council” or “District Council” means a District Council established under the provisions of this Act;

<sup>2</sup> This Act related only to a 2008 election and has expired.

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- “Councillor” means a member elected to a Council under the provisions of this Act;
- “Deputy Administrator” means a person appointed under section 37 as a Deputy Family Island Administrator;
- “district” or “local government district” means an area with set boundaries as designated in the First Schedule;
- “election” means the election, in accordance with the provisions of this Act, of a committee member or of a Councillor, as the case may be;
- “Family Island Administrator” or “Administrator” means a person appointed under section 37 as a Family Island Administrator;
- “Minister” means the Minister responsible for Family Island Affairs;
- “Parliamentary Commissioner” means the Parliamentary Commissioner or the Deputy Parliamentary Commissioner, appointed under section 12 of the Parliamentary Elections Act, and includes any person who is duly authorised in accordance with the provisions of that section to act on his behalf;
- “polling division” has the meaning assigned thereto by section 2 of the Parliamentary Elections Act;
- “population of a district”, “population” in relation to a district or “population of a polling division” means the total number of persons registered to vote in the district or in the polling division, as the case may be, in accordance with the provisions of this Act;
- “Register” means the register (or any part thereof) of persons entitled to vote at an election of a Member of Parliament, being the register which is prepared and kept under the provisions of the Parliamentary Elections Act;
- “Secretary”, in relation to a Council or a town Committee, means the person occupying the post of secretary of the Council or the town committee, as the case may be, in accordance with the provisions of this Act;

“Senior Deputy Administrator” means a person appointed under section 37 as a Senior Deputy Family Island Administrator;

“town area” has the meaning assigned to that expression in section 5(1);

“town committee” or “committee” means a town committee established under the provisions of this Act.

## PART II LOCAL GOVERNMENT DISTRICTS

3. For the purposes of this Act, The Bahamas shall be divided into such number of districts as the Minister deems fit.

Local govern-  
ment districts.

4. (1) The names and the boundaries of the local government districts are those respectively set out in the First Schedule.

Boundaries of  
districts.  
First Schedule.

(2) The Minister may by Order —

- (a) alter the boundaries of any local government district;
- (b) declare any portion of The Bahamas (including New Providence or any part thereof) to be a local government district; and
- (c) declare that any local government district shall cease to be a local government district,

and the Minister shall, in the Order, amend the First Schedule accordingly.

(3) In every Order under subsection (2)(b), the district shall be described by a name and its boundaries shall be defined.

## PART III TOWN AREAS AND TOWN COMMITTEES

5. (1) For the purposes of this Act, the Minister may by Order divide any district specified in the Second Schedule into such areas (in this Act referred to as “town areas”) as may be specified in the Order.

Town areas.  
Second Schedule.

(2) The districts specified in the Third Schedule shall not be divided into town areas.

Town  
committees.

**6.** (1) Every town area shall have a town committee.

(2) The town committee shall be a body corporate with perpetual succession and a common seal, capable of entering into contracts, of suing and being sued, of acquiring, holding, leasing and disposing of property of any description and of doing all such things and entering into such transactions as are incidental or conducive to the exercise and performance of its functions under this Act:

Provided that, except with the approval of the Minister, a town committee shall not act in pursuance of the powers conferred by this subsection, in respect of the disposal of real property.

(3) The population of a polling division, or of more than one polling division, of a town area shall elect, to the town committee for the town area, such number of committee members as the Minister may specify by Order.

Oath of office.

**7.** Committee members elected in accordance with the provisions of this Act shall take and subscribe the oath of office in the form stipulated in the Fourth Schedule before any Administrator, Senior Deputy Administrator, Deputy Administrator or Assistant Administrator.

Fourth Schedule.

Chairman and  
Deputy Chair-  
man of a town  
committee.

**8.** (1) The first sitting of each town committee shall be held not later than seven days from the first day of the month immediately following the election of the committee members.

(2) Each town committee shall in its first sitting after having taken the oath of office proceed with the election (from among its members) of the Chairman and the Deputy Chairman of the town committee.

(3) On a vacancy in the office of Chairman, or where the Chairman is for any reason unable to perform the functions of his office, the Deputy Chairman shall perform all such functions until such time as another Chairman is elected from among the relevant committee members at a meeting to be convened for the purpose of the election.

(4) On a vacancy in the office of Deputy Chairman, an election of a Deputy Chairman shall be held from among the relevant committee members at a meeting to be convened for the purpose of the election.



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(5) The Chairman shall be the representative of the town committee for all purposes under this Act, shall preside over the town committee and over all meetings of the town committee, and shall co-ordinate the functions of the town committee.

(6) The Chairman of the town committee of a town area shall be responsible for the furtherance of the objects and provisions of this Act in the town area and Chairmen shall co-operate between themselves for the better welfare of the town areas which they represent.

(7) The Chairman and Deputy Chairman shall hold office from the day of their election and they shall remain in such office until the expiration of the term of the relevant committee or until such time as the Chairman or Deputy Chairman has resigned from office, whichever is the sooner.

**9.** (1) Notwithstanding the provisions of any other law, each town committee of a town area in a district shall have, in relation to that town area, the following functions, namely —

Functions of  
committee.

- (a) in conformity with national standards —
  - (i) to provide for general health and sanitation, including street cleaning, the cleaning of drains, road verges and ditches, and the collection and removal of all refuse from any private place; and
  - (ii) to provide for the collection and removal of all refuse from any public place, the maintenance of cleanliness, the establishment, upkeep and maintenance of all public conveniences, dustbins, and other receptacles for the temporary deposit and collection of waste;
- (b) in conjunction with any competent authority, to provide for the upkeep, maintenance and establishment, of monuments, cemeteries, children's playgrounds, recreation grounds, parks, public gardens, road verges, open spaces, beaches, and sport, cultural or other leisure centres;

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- (c) to provide for the upkeep and maintenance of public wells and water tanks;
  - (d)
    - (i) to provide and maintain proper road signs and road markings in conformity with national and international standards; and
    - (ii) to establish and maintain pedestrian and parking areas and provide for the protection of school children in the vicinity of schools;
  - (e) in conjunction with any competent authority to provide for —
    - (i) the naming or renaming of streets; and
    - (ii) the issuing of guidelines to be followed in the upkeep, restoration, design or alteration of any building or any part of a building normally visible from a street, including the type of lighting and materials used, advertisements and shop fronts;
  - (f) to provide for the upkeep and maintenance of, and improvements in, any street, footpath or settlement road;
  - (g) to cause to be delivered, to any place within the town area (other than a post office), postal packets transmitted overland or by sea; and
  - (h) to make provision in conjunction with any competent authority, in respect of the upkeep and maintenance of public buildings, local ports, docks, harbours, wharves and jetties.

(2) For the purposes of subsection (1)(g), the terms “post office” and “postal packet” have the respective meanings assigned to those terms by section 2 of the Post Office Act.

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#### **PART IV DISTRICT COUNCILS**

District Councils.

**10.** (1) Every district shall have a District Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal, capable of entering into contracts, of suing and being sued, of

acquiring, holding, leasing and disposing of property of any description, and of doing all such things and entering into such transactions as are incidental or conducive to the exercise and performance of its functions under this Act:

Provided that, except with the approval of the Minister, a Council shall not act in pursuance of the powers conferred by this subsection, in respect of the disposal of real property.

(3) The Council of a district specified in the Second Schedule shall consist of —

Second Schedule.

- (a) the Chairmen of the town committees of the respective town areas of the district; and
- (b) such further number of members, elected by those town committees in accordance with the provisions of this Act, as may be necessary for the purpose of comprising a Council of nine members.

(4) The Council of a district specified in the Third Schedule shall consist of nine members (or such other number of members as the Minister may specify by Order) elected by the population of the district in accordance with the provisions of this Act.

Third Schedule.

(5) The provisions of sections 7, 18 to 22, 39 and 40 and of Parts VI and VII shall *mutatis mutandis* apply to any Council as those provisions apply to a committee, and the said provisions shall have effect as if —

- (a) references to a town committee and to committee members, were respectively references to a Council and to Councillors;
- (b) references to the Chairman and the Deputy Chairman of a town committee, were respectively references to the Chief Councillor and the Deputy Chief Councillor of a Council; and
- (c) references to a town area, were references to a district.

**11.** (1) The Councillors of a district shall, within two weeks of the date of their election, sit for the purpose of electing (from among themselves) the Chief Councillor and the Deputy Chief Councillor of the Council of the district.

Chief Councillor and Deputy Chief Councillor of a Council.

(2) The Chief Councillor shall be the representative of the Council for all purposes under this Act, shall preside over the Council and over all meetings of the Council, and shall co-ordinate the functions of the Council.

(3) The Chief Councillor shall be responsible for the furtherance of the objects and provisions of this Act in the district which he represents, and, where an island is divided into two or more districts, the Chief Councillors of those districts shall co-operate between themselves for the better welfare of the island and of the districts which they represent.

Term of office.

**12.** The Chief Councillor and Deputy Chief Councillor shall hold office from the day of their election and they shall remain in such office until the expiration of the term of the relevant Council or until such time as the Chief Councillor or Deputy Chief Councillor has resigned from office, whichever is the sooner.

Vacancy in the office of Chief Councillor or Deputy Chief Councillor.

**13.** (1) On a vacancy in the office of Chief Councillor, or where the Chief Councillor is for any reason unable to perform the functions of his office, the Deputy Chief Councillor shall perform all such functions until such time as another Chief Councillor is elected from among the relevant Councillors at a meeting to be convened for the purpose of the election.

(2) On a vacancy in the office of Deputy Chief Councillor, an election of a Deputy Chief Councillor shall be held from among the relevant Councillors at a meeting to be convened for the purpose of the election.

Functions of District Councils.  
Third Schedule.

**14.** (1) Notwithstanding the provisions of any other law but subject to subsections (2) and (3), each Council of a district (other than a district specified in the Third Schedule) —

(a) shall appoint boards which shall have and exercise, in relation to that district —

(i) the powers of the Road Traffic Authority to grant, vary, renew, transfer, revoke and suspend a franchise under the provisions of sections 86, 87, 88 and 90 of the Road Traffic Act, to vary the conditions attached to a franchise under the provisions of section 91 of that Act and to issue directions under the provisions of section 87 of that Act:

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Provided that, except with the approval of the Minister responsible for Road Traffic, a board shall not act in pursuance of the powers conferred by this subparagraph, in any case where the person applying for the franchise is not a citizen of The Bahamas:

Provided further that where an island is divided into two or more districts, the functions conferred upon boards by this subparagraph shall be performed, in relation to that island, by a body comprised of seven members appointed by the Councils of those districts; and the provisions of sections 15 and 16 shall *mutatis mutandis* apply to any such body as if the references therein to a board and to a Council were references to a body appointed under this subparagraph and to all of the Councils of those districts, respectively;

- (ii) the powers exercisable by a port authority within its port area under the provisions of the Port Authorities Act;
- (iii) the functions assigned to the Town Planning Committee under the provisions of the Town Planning Act:

Ch. 269.

Ch. 255.

Provided that a board shall not act in pursuance of the powers conferred by this subparagraph, in respect of an application made under that Act by a person who is not a citizen of The Bahamas and who acquired or held the immovable property to which to application relates on or after 1st November, 1983, unless that person produces to the board the relevant certificate of registration or permit, issued pursuant to the Immovable Property (Acquisition by Foreign Persons) Act (now repealed) or the International Persons Landholding Act, 1993, as the case may be;

Ch. 140.

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- Ch. 288. (iv) the powers of the Hotels Licensing Board to grant, renew; transfer and cancel licences and to vary the terms and conditions of licences, under the provisions of the Hotels Act; and
- (v) the powers of the licensing authority to grant, transfer and cancel licences under the provisions of the Liquor Licences Act:
- Ch. 372. Provided that, except with the approval of the Minister of Finance, a board shall not act in pursuance of the powers conferred by this subparagraph, in any case where the person applying for the licence, or the holder of the licence, as the case may be, is not a citizen of The Bahamas;
- Ch. 377. (vi) the powers of the licensing authority to grant licences, limit the duration of licences and revoke licences, under the provisions of the Shop Licences Act:
- Provided that, except with the approval of the Minister of Finance, a board shall not act in pursuance of the powers conferred by this subparagraph, in any case where the person applying for the licence, or the holder of the licence, as the case may be, is not a citizen of The Bahamas;
- Ch. 220.  
Ch. 269.  
Ch. 255.  
Ch. 288.  
Ch. 372.  
Ch. 377. and for the purposes of subparagraphs (i) or (vi), the relevant provisions of the Road Traffic Act, the Port Authorities Act, the Town Planning Act, the Hotels Act, the Liquor Licences Act and the Shop Licences Act shall *mutatis mutandis* apply as if the references therein to the Road Traffic Authority, a port authority, the Town Planning Committee, the Hotels Licensing Board, and the licensing authority, respectively, were references to a board appointed by a Council pursuant to the provisions of this Act;
- Ch. 200. (b) shall have and exercise, in relation to that district, the powers of the Buildings Control Officer to grant building permits under the provisions of the Buildings Regulations Act, and, for that, purpose, the relevant provisions of that Act shall *mutatis mutandis* apply as if the references therein to the Buildings Control Officer were references to a Council;

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- (c) shall have exercise, in relation to that district, the powers of the Controller of Road Traffic to issue, renew or revoke licences, under the provisions of sections 68 and 69 of the Road Traffic Act and, for that purpose, the relevant provisions of that Act shall *mutatis mutandis* apply as if the references therein to the Controller of Road Traffic were references to a Council:
- Ch. 220.

Provided that the Minister responsible for Road Traffic may by notice specify the maximum amount of licences which may be issued by a Council in respect of any year and, where a maximum amount has been so specified, the amount of licences issued by the Council in respect of that year, shall not exceed that maximum;

- (d) shall have and exercise, in relation to that district, the powers of the Minister of Finance under the provisions of section 3 of the Business Licence Act, to cause an annual business licence to be issued, and, for that purpose, the relevant provisions of that Act shall *mutatis mutandis* apply as if the references therein to the Minister of Finance were references to a Council;
- Ch. 329.
- (e) shall carry out, in relation to that district, such functions in respect of —
- (i) the formulation of traffic schemes; and
  - (ii) town planning, and the formulation of planning or building schemes,
- as the Minister acting on the advice of the Minister responsible for Road Traffic or the Minister responsible for Public Works, as the case may be, may from time to time specify;
- (f) shall make provision, in relation to that district, in conjunction with any competent authority, in respect of —
- (i) public transportation;
  - (ii) the maintenance and upkeep of public buildings, and Government-owned airport terminal buildings, hospitals, clinics and their environs;

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- (iii) boat registration;
  - (iv) the supply of energy (as defined in section 2 of the Electricity Act) for the purpose of lighting any street in that district;
  - (v) the supply of water for the use of members of the public by means of standpipes and taps situated in public places; and
  - (vi) the development and working of a telephone system and service for public and private use and purposes;
- (g) shall make provision for the maintenance and upkeep of public school buildings and their environs, in cases where the members of the School Committee of a primary school, or the members of the Governing Body of a secondary school, have not been appointed or elected, as the case may be;
- (h) shall tender to the Minister responsible for Crown Lands, such recommendations relating to the use of Crown Land in that district, as the Council sees fit;
- (i) shall tender to the Minister responsible for tourism, such recommendations relating to the development and promotion of tourism in that district, as the Council sees fit;
- (j) shall carry out such other functions as the Minister may specify; and
- (k) shall provide, in relation to that district, for all such other works, things, matters and services as are specified, by any written law, to be within the jurisdiction of a Council.

Third Schedule.

- (2) The Councils of the districts specified in the Third Schedule (other than the district of the City of Freeport) shall perform in relation to the respective districts —
- (a) the functions conferred upon boards by subsection (1)(a)(i) to (vi) of this section;
  - (b) the functions conferred upon Councils by subsection (1)(b) to (k) of this section; and
  - (c) the functions conferred upon town committees by section 9(1)(a) to (h).



(3) The Council of the district of the City of Freeport —

- (a) (i) may appoint boards to which the provisions of sections 15 and 16 shall apply and which shall have, in relation to that district, the functions conferred upon boards by subsection (1)(a)(i), (iv), (v) and (vi) of this section; or
- (ii) may perform, in relation to that district, the functions conferred upon boards by subsection (1)(a)(i), (iv), (v) and (vi) of this section;
- (b) shall perform, in relation to that district, the functions conferred upon Councils by subsection (1)(c), (e)(i), (f)(i), (ii), (iii), (v) and (vi) and (g) to (k) of this section; and
- (c) shall perform, in relation to that district, the functions conferred upon town committees by section 9(1)(b), (d), (e)(i) and (g).

(4) Notwithstanding section 7 of the Port Authorities Act, the Council of any District (other than the district of the City of Freeport) may, upon such terms as it may think fit, grant to any person a right for or in connection with the construction in its district of any wooden pier not exceeding one hundred and twenty feet and which does not require excavation of the land:

*5 of 2008, s. 2*

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Provided that before any such right is granted the Council shall be satisfied that the consent of the owners of the land to which the pier is to be attached has been obtained.

**15.** (1) Each board appointed by a Council pursuant to the provisions of section 14(1)(a) shall consist of seven members, one of whom shall be the chairman appointed by the Council after consultation with the Minister.

Boards.

(2) A person shall not be required to be a Councillor or committee member in order for him to be appointed as a member of a board, but in appointing board members, the relevant Council shall give due consideration to the need for representation, on the board, of the interests of the relevant town areas.

(3) The secretary to a board shall be an Administrator, a Senior Deputy Administrator, a Deputy Administrator or an Assistant Administrator.

(4) Each member of a board shall hold office for such period, not exceeding two years, as the Council may direct or until the term of office of the Council expires or the member is dismissed, whichever is the soonest.

(5) Any person aggrieved by any decision of a board in the exercise or purported exercise of any power conferred upon it by section 14(1)(a)(i) to (vi) may within fifteen days from the date on which such decision is communicated to him, appeal in respect thereof in writing to the Council which appointed the board.

(6) Upon any such appeal, the Council may confirm, modify or reverse the decision of the board complained of or may make such other order as it may think just.

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Ch. 377.

(7) The relevant provisions of the Road Traffic Act, the Town Planning Act, the Port Authorities Act, the Hotels Act, the Liquor Licences Act and the Shop Licences Act shall *mutatis mutandis* apply as respects the grounds of dismissal and procedure for the dismissal, of members of the respective boards, as if the references therein to the Road Traffic Authority, the Town Planning Committee, a port authority, the Hotels Licensing Board, and the licensing authority, respectively, were references to a board appointed by a Council pursuant to the provisions of this Act.

Right of appeal  
to Minister.

**16.** (1) Any person aggrieved by any decision or order of a Council under section 14(1)(b) to (k) or section 15(6) may, within fifteen days from the date on which such decision or order is communicated to him, appeal in respect thereof in writing to the Minister.

(2) Upon any such appeal, the Minister may confirm, modify or reverse the decision or order of the Council or may make such other order as he may think just.

## PART V

### REGISTRATION OF VOTERS, AND ELECTIONS

Registration  
of voters, and  
conduct of  
elections.

**17.** (1) The first election of committee members pursuant to section 6(3), and Councillors pursuant to section 10(4), shall be held during the year 1996, and thereafter the respective elections of committee members and Councillors shall be held every three years.

(2) Subject to the following provisions of this section, for the purposes of any such election of committee members or Councillors, the provisions of the Parliamentary Elections Act, any regulations made

Ch. 7.

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thereunder, and any Parliamentary Elections (Polling Divisions) Order in force at the time of the election, shall *mutatis mutandis* apply as respects —

- (a) the compilation, publication and inspection of the Register;
- (b) the entitlement of a person to be registered as a voter;
- (c) the registration of voters;
- (d) the division of a constituency into polling divisions;
- (e) the nomination of candidates;
- (f) the entitlement of a person to vote at a polling division at an election;
- (g) the conduct of elections; and
- (h) election petitions, and inquiries into qualifications, as if references in those provisions —
  - (i) to publication of the register, were references to publication by making a copy of the Register available for inspection by the public at the office of the Administrator, Senior Deputy Administrator, Deputy Administrator or Assistant Administrator or at the post office, of the relevant district;
  - (ii) to a constituency, were references to a town area or to a district, as the case may be; and
  - (iii) to an election of a Member of Parliament, were references to an election of a committee member or a Councillor, as the case may be.

(3) The provisions of section 37 of the Parliamentary Elections Act shall *mutatis mutandis* apply as respects the nomination of a candidate for any such election of committee members or Councillors, except that

Ch. 7.

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- (a) no such candidate shall be required to make a declaration of his assets, income or liabilities;
  - (b) such candidate shall be required to file with the Parliamentary Commissioner a declaration that he is ordinarily resident in premises in the polling division in respect of which he is a candidate; and
  - (c) for the purposes of paragraph (b) of subsection (1) of that section, such candidate shall be required to deposit the sum of fifty dollars in lieu of any sum specified in that paragraph.

(4) The Parliamentary Commissioner shall assign, to any person who stands nominated as a candidate for any such election of committee members or Councillors, such symbol as the Parliamentary Commissioner sees fit, and such symbol shall thereupon become the symbol of the candidate for that election.

(5) The symbol assigned to a candidate by the Parliamentary Commissioner under subsection (4) shall be printed upon every ballot paper opposite the name of such candidate.

(6) The Parliamentary Commissioner shall cause the symbols assigned under subsection (4) to be posted in a conspicuous place in the office of the Administrator, Senior Deputy Administrator, Deputy Administrator or Assistant Administrator or in the post office, of the relevant district.

Election of committee members.

**18.** (1) Notwithstanding any other provision of this Act, if —

- (a) no candidates are nominated to contest the election of a town committee, the Minister shall appoint a Committee of Management which shall perform all such duties as the committee is authorised to perform, until a new committee is elected; or
- (b) the number of candidates standing nominated to contest the election of a town committee, is insufficient at any time before polling day (as defined in section 2 of the Parliamentary Elections Act), then, on polling day, the candidates standing nominated shall be declared to be elected to the committee and the Minister shall appoint to the committee such further number of persons as is needed to fully comprise the committee under this Act:

Ch. 7.

Provided that the Parliamentary Commissioner shall, at a date determined by the Minister —

- (i) in any case mentioned in paragraph (a) of this subsection, hold an election of a new town committee; or

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- (ii) in any case mentioned in paragraph (b) of this subsection, hold an election of such number of committee members as corresponds to the number of persons appointed by the Minister under the said paragraph (b);

and any person elected in an election held pursuant to this proviso, shall hold office for the remainder of the period for which committee members would have served had they been elected in the election for which no candidates or, as the case may be, an insufficient number of candidates had been nominated.

(2) If elections for committee members are due to be held within three months before the holding of General Elections or Referenda, the election of committee members may be postponed to a date determined by the Minister, but in any case not later than three months following the holding of such General Elections or Referenda:

Provided that, in the event that the elections are so postponed, the term of office of the committee members in office at the time of such postponement shall be extended by the same period by which the elections are postponed and that of the committee members subsequently elected shall be reduced by the same period by which the term of office of the previous committee members has been extended.

**19.** Whenever a vacancy occurs in the membership of a committee, written notification of such vacancy shall be sent to the Minister and to the Parliamentary Commissioner by the Secretary within six days after the vacancy has occurred, and an election to fill the vacancy shall be held in accordance with the provisions of this Act on a day to be fixed by the Minister, being not more than sixty days after the date on which such vacancy has occurred: Vacancies.

Provided that if a vacancy occurs as aforesaid within three months before the expiration of the term of office of the committee, no election shall be held and the committee shall be deemed to be fully constituted for the purposes of this Act:

Provided further that no further election shall be held if the term of office of the committee has been extended under subsection (2) of section 18.

Vacancy not to  
invalidate  
proceedings.

**20.** (1) Until such time as a vacancy is duly filled, the town committee shall be deemed to be fully constituted for the purposes of this Act and any proceedings, actions and decisions of the committee shall be deemed valid.

(2) Four persons (or such other number as may be determined by the committee) shall form a quorum at any meeting of a committee.

(3) A decision shall be adopted by a simple majority of the persons present at a meeting of a committee and, in the case of an equality of votes, the person presiding at the meeting shall have and exercise a casting vote.

Eligibility for  
election as com-  
mittee members.

**21.** A person shall be qualified to be elected as a member of the town committee of a town area if such person is registered as a voter in that part of the Register relating to a polling division (or part thereof) in the town area being contested by such person.

Persons not  
qualified to stand  
for committee.

**22.** No person shall be qualified to stand for election as a member of a town committee or to remain a member thereof if —

- (a) he is a Senator or a member of the House of Assembly;
- (b) he is a Justice of Appeal of the Court of Appeal, or a Justice of the Supreme Court;
- (c) he is a stipendiary and circuit magistrate;
- (d) he is an Administrator, a Senior Deputy Administrator, a Deputy Administrator or an Assistant Administrator;
- (e) he is a member of the Royal Bahamas Police Force or the Royal Bahamas Defence Force;
- (f) he is a person who holds any office the functions of which involve any responsibility for or in connection with the conduct of any election of members of a town committee or a Council, or the compilation of or revision of the Register;
- (g) he is a public officer holding such post as the Minister may by Order specify;
- (h) he is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in The Bahamas;

- (i) he is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in The Bahamas;
- (j) he is under sentence of death imposed on him by a court in The Bahamas, or he is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such court or is under such a sentence of imprisonment the execution of which has been suspended;
- (k) his name no longer appears in the Register.

## PART VI COMMITTEE MEMBERS AND COUNCILLORS

**23.** (1) Committee members shall hold office from the day of their election and they shall remain in such office until the expiration of the term of the town committee or until such time as the committee member has resigned from office, whichever is the sooner.

Term of office of committee members.

(2) Committee members shall, on the termination of their term of office, if otherwise qualified, be eligible for re-election.

- (3) The term of office of any person —
  - (a) elected to fill a vacancy in a committee; or
  - (b) elected to a committee where that committee's election had been, in whole or in part, postponed for any reason,

shall be the remaining period of the term of office stipulated in section 18(2).

**24.** Committee members shall receive such remuneration and allowances as may be determined by the Minister with the consent of the Minister of Finance.

Remuneration of committee members.

**25.** A committee member may at any time resign his office by notice in writing signed by him and delivered to the Secretary and his resignation shall take effect from the date of the receipt of the notice by the Secretary and his office shall become vacant as of such date.

Resignation of committee members.

Absence without  
leave.

**26.** If a committee member is absent for three consecutive regular meetings of the committee without the consent of the committee, his seat shall be deemed vacated.

Dissolution of  
committee.

**27.** The Governor-General may by Order dissolve a committee upon —

- (a) a report, from any local government auditor appointed under section 47, of the committee's persistent breach of its financial responsibilities; or
- (b) the committee's persistent breach of the provisions of this Act after formal notice has been given by the Minister,

if the Governor-General deems it to be in the public interest that the committee be so dissolved.

Election to fol-  
low dissolution of  
committee.

**28.** (1) Upon the dissolution of a committee in accordance with section 27, or if all the committee members have resigned, the Parliamentary Commissioner shall, within thirty days, hold an election for a new committee:

Provided that no election shall be held where the remaining term of office of the dissolved committee is less than three months.

(2) The Minister may appoint a Committee of Management which shall perform all such functions as are competent on the committee until a new committee is elected:

Provided that if a Committee of Management is not so appointed, the Secretary shall perform all such functions as are competent on the committee.

(3) The newly elected committee shall hold office for the remainder of the term applicable to be dissolved committee.



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**PART VII  
PROCEDURE AND MEETINGS**

**29.** For the purpose of discharging any functions in pursuance of any matter under this Part, a town committee shall contract out and expose to competition any of the duties assigned to it unless such duties are to be carried out by any person employed by the committee.

Competition.

**30.** (1) Where the town committee of a town area offers for tender any work related to its duties, the committee shall give notice of the offer by displaying, on a notice board at the committee's office in the town area, a notice containing the following matters—

Works contracts.

- (a) a brief description of the work;
- (b) a statement of the period during which the work is to be carried out;
- (c) a statement that any person who may wish to carry out the work should notify the committee of that fact within a period specified in the notice; and
- (d) the date and place when all the tenders shall be opened in public.

(2) When acting in relation to any tenders submitted under subsection (1), the committee shall follow, as nearly as possible, the procedure adopted by the Government Tenders Board in respect of the award of contracts for supplies, works and services, save that the committee is not required to make any recommendation to any person before making a decision in respect of the tenders.

**31.** With the approval of the Minister, and subject to the provisions of section 29, a committee may make arrangements with any public body or Government department for the exercise of any functions by the public body or department on behalf of the committee, on such terms as may be provided for by the arrangements.

Agency arrangements.

**32.** Subject to the provisions of section 29, a committee may make arrangements with any other committee or any public body or Government department for —

Arrangements for the supply of goods and services or interchange of staff.

- (a) the supply by one party to the other of any goods;

- (b) the provision by one party to the other of any administrative, professional or technical services;
- (c) the use by one party of any vehicle, plant or apparatus belonging to the other and the placing at the disposal of the first-mentioned party, of the services of any person employed in connection with the vehicle, plant or apparatus in question;
- (d) the provision or maintenance by one party of any works, facility, amenity, equipment or thing for the provision or maintenance of which the other is responsible,

on such terms as may be provided for by the arrangements.

Committee procedure.

**33.** (1) A town committee may regulate its own procedure.

(2) Regular committee meetings shall be held at least once a month, and other meetings of the committee may be called at the request of at least one-third of the committee members in office or at the request of the Chairman.

Admission of public to meetings.

**34.** (1) Subject to the provisions of this section, the meetings of a town committee shall be held in public.

(2) The committee may, by a majority of votes, decide that any particular meeting of the committee shall be held in private, but in a public place.

(3) The committee shall, at least once each quarter, meet in public.

(4) Nothing in this section shall affect or derogate from any power of excluding persons from a meeting for the purpose of suppressing or preventing disorderly conduct or other misbehaviour at, or disturbance of, the meeting.

Town area meeting.

**35.** (1) A town committee shall, at least once a year, call a town area meeting which shall be open to persons appearing in that part of the Register relating to the town area.

(2) The town area meeting shall be held at such public place as the committee may determine.

(3) A notice, indicating the time and place for such meeting, shall be displayed on the notice board at the committee's office in the town area and in such other places as the committee may deem fit.

**36.** Meetings of the committee shall be held at the committee's office or at such other place as the committee may specify.

Committee meetings.

### **PART VIII FAMILY ISLAND ADMINISTRATORS, OFFICERS AND EMPLOYEES**

**37.** For the purpose of assisting the Minister in the administration of this Act, there shall be appointed in respect of local government districts, such Family Island Administrators, Senior Deputy Family Island Administrators, Deputy Family Island Administrators and Assistant Family Island Administrators, and such other public officers as may be assigned to the staff of the Family Island Administrators.

Appointment of Family Island Administrators.

**38.** (1) Notwithstanding the provisions of any other law, the Administrator of a district, *ex officio* —

Functions of Administrator, Deputy Administrator and Assistant Administrator.

(a) shall be —

(i) collect or of revenue for every port of entry, and a preventive officer for every other port, within the district; and

(ii) warehouse keeper for every warehousing port within the district;

(b) shall have and exercise, in relation to the district, all such function as were assigned to commissioners, immediately prior to the coming into operation of this Act, under any written law;

(c) shall be deemed to be an accounting officer, in relation to the district, for the purposes of the Financial Administration and Audit Act; and

Ch. 359.

(d) shall have and exercise, in relation to the district —

(i) the functions assigned to a Passport and Visa Officer under the Passports Act;

Ch 192.

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- Ch. 232. (ii) such functions under the Environmental Health Act as the Director of Environmental Health may, in writing, specify;
- Ch 244. (iii) such functions under the Fisheries Resources (Jurisdiction and Conservation) Act as the Director of Fisheries may, in writing, specify; and
- Ch. 269. (iv) such functions under the Port Authorities Act as the Port Controller may, in writing, specify.

(2) The Senior Deputy Administrator, the Deputy Administrator and the Assistant Administrator of a district shall assist the Administrator of the district in the discharge of his functions as Administrator.

(3) In any case where an Administrator has not been appointed in respect of a district, a Senior Deputy Administrator, a Deputy Administrator or an Assistant Administrator may be appointed to perform, in that district, all the functions conferred on the Administrator by this or any other written law.

Appointment of town committee employees.

**39.** (1) Each town committee, Council and board shall respectively have a Secretary, who shall be a Senior Deputy Administrator, a Deputy Administrator, an Assistant Administrator or any other person approved by the Minister.

(2) The town committee of a town area shall appoint and employ, at such remuneration and on such terms and conditions as it may think fit, such servants and agents as it may think necessary for the proper discharge of its functions.

Functions of Secretary.

**40.** (1) The Secretary shall be the executive administrative and financial officer of the committee and shall

- (a) issue all notices, prepare the agenda in consultation with the Chairman and attend all meetings;
- (b) draw up the minutes of committee meetings;
- (c) submit a detailed annual administrative report to the Chairman; and
- (d) carry out such other duties as may be assigned to him by the committee.

41. Each town committee and each Council shall respectively be deemed to be an approved authority for the purposes of the Pensions Act.

Committees and Councils to be approved authorities.  
Ch. 43.

### PART IX FINANCIAL PROVISIONS

42. (1) Subject to subsection (2), the funds and resources of each committee shall consist of —

Funds and resources of committees, and of certain Councils.

- (a) any moneys as from time to time are provided by Parliament; and
- (b) such other sums as the Minister of Finance may by order direct.

(2) Notwithstanding the provisions of any law, where fees or taxes, collected in a town area or in a district specified in the Third Schedule, are paid into the Consolidated Fund pursuant to the provisions of —

Third Schedule.

- (a) the Buildings Regulation Act;
- (b) the Firearms Act;
- (c) the Port Authorities Act relating to rates of pierage and wharfage payable in respect of the use or occupation of any public abutment, wharf or extended slip;
- (d) the Boat Registration Act;
- (e) the Water Skiing and Motor Boat Control Act;
- (f) the Business Licence Act;
- (g) the Liquor Licences Act;
- (h) the Music and Dancing Licences Act; or
- (i) the Shop Licences Act,

Ch. 200.

Ch. 213.

Ch. 269.

Ch. 277.

Ch. 278.

Ch. 329.

Ch. 372.

Ch. 374.

Ch. 377.

a rebate not exceeding one hundred per centum of the monies so paid shall be allowed, and the rebate shall be paid out of the Consolidated Fund and applied to meet necessary expenditure in the town area or district, as the case may be.

(3) A sum equal to the total amount of the fees or taxes paid into the Consolidated Fund pursuant to subsection (2) shall be placed in a separate account to be held reserved by the Minister of Finance and expended upon —

- (a) the rebate mentioned in subsection (2); and

Funds and  
resources of  
Councils.

(b) such other matters, relating to any town area or district, as the Minister of Finance may deem fit.

**43.** (1) Subject to subsections (2), (3) and (4), the funds and resources of each Council shall consist of —

(a) any moneys as from time to time are provided by Parliament; and

(b) such other sums as the Minister of Finance may by Order direct.

(2) Notwithstanding the provisions of any law, where fees or taxes, collected in a district, are paid into the Consolidated Fund pursuant to the provisions of —

Ch. 220.

(a) the Road Traffic Act;

Ch. 284.

(b) the Civil Aviation Act relating to fees for the landing, parking and operation of aircraft at airports;

Ch. 286.

(c) the Airports Act;

Ch. 288.

(d) the Hotels Act relating to the hotel licence fee and the hotel guest tax; or

Ch. 375.

(e) the Real Property Tax Act,

a rebate of the monies so paid shall be allowed in the following amounts —

(i) in the case of monies paid under an Act mentioned in paragraph (b) or (c), a rebate not exceeding one hundred per centum of the monies so paid; and

(ii) in the case of monies paid under an Act mentioned in paragraph (a), (d) or (e), a rebate not exceeding fifty per centum of the monies so paid;

and the rebate shall be paid out of the Consolidated Fund and applied by Councils to meet capital expenditure and other necessary expenditure in the respective districts.

(3) In the application of any monies pursuant to subsection (2), the Council of a district shall act fairly and equitably, having regard to the various needs of the communities in the town areas of the district.

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(4) The Treasurer shall make an annual payment, of five hundred thousand dollars to the Council for the district, of the City of Freeport on or before the 1st day of September, in each year, for a period of three years commencement on September 1, 1996, for the purpose of defraying part of the expenses incurred by the Council in the Port Area.

(5) A sum equal to the total amount of the fees or taxes paid into the Consolidated Fund pursuant to subsection (2) shall be placed in a separate account to be held reserved by the Minister of Finance and expended upon —

- (a) the rebate mentioned in subsection (2); and
- (b) such other matters, relating to any district, as the Minister of Finance may deem fit.

**44.** (1) Every committee of a town area in a district shall during the month of February in each financial year, submit to the Council of the district estimates of the income and expenditure of the committee during the next following financial year.

Annual budget.

(2) Not later than the fifteenth day of March in any financial year, the Council of a district —

- (a) shall consider the estimates for the next-following financial year;
- (b) may revise the estimates in such manner as the Council thinks fit for the purpose of meeting the needs, and ensuring the development, of the district; and
- (c) shall approve the estimates, subject to any revision under paragraph (b).

- (3) The estimates so approved by the Council, together with the estimates of the income and expenditure of the Council during the next following financial year, shall, not later than the last day of March in any financial year, be sent to the Minister who shall, within one month of his receipt of the estimates, meet with the Council for the purpose of discussing the respective estimates.

**45.** (1) Moneys provided for Councils pursuant to sections 42(2) and 43(1)(a) shall be allocated to each Council and made available to the Council by the Minister of Finance.

Method of supply and withdrawal of funds.

Ch. 359.

(2) Subject to the provisions of the Financial Administration and Audit Act, each Council shall open an account in respect of moneys provided pursuant to section 43(1)(a), with any bank, and all deposits and withdrawals of such moneys shall be recorded in the account:

Provided that withdrawals from the account shall be signed by the Administrator and the Chief Councillor of the relevant district.

Minister may order production of books of account.

**46.** Without prejudice to any other provision of this Act, the Minister may, either of his own accord or at the request of the Minister of Finance, by notice in writing, require the Secretary to produce any books of account, records or other documents of a Council.

Appointment of local government auditors.

**47.** (1) The Minister, after consultation with the Minister of Finance, may appoint persons (to be known as “local government auditors”) to audit the accounts of a Council subject to such conditions as the first-mentioned Minister may deem fit.

(2) The appointment of the local government auditors shall be for a period of one year renewable each year, for a total period of not more than five consecutive years.

(3) A person shall not be qualified for appointment as a local government auditor unless he is an individual who is licensed, under the Public Accountants Act, 1991, to engage in public practice, and is not —

- (a) a Councillor of the district whose books he is auditing; or
- (b) in the employment of the Council of the district whose books he is auditing.

(4) In the exercise of their duties, local government auditors shall have access to all books, records, returns and other documents relating to the accounts of Councils and may require any person holding or accountable for any such books or documents to appear before them at the audit.

(5) Local government auditors shall submit their reports not later than twelve weeks from the end of the financial year to the Minister who shall forthwith transmit copies of those reports to the Minister of Finance and to the respective Council.

Ch. 364.



(6) The Minister of Finance shall cause a copy of each report to be laid before the House of Assembly.

(7) For the avoidance of doubt, it is hereby declared that nothing in this section shall be read or construed as derogating from or in any way limiting any of the functions exercisable by the Auditor-General pursuant to the provisions of the Constitution or any written law.

**48.** The Minister may cause a management audit to be conducted in respect of the accounts of any Council.

Additional auditing responsibilities.

**49.** The Minister of Finance shall make regulations for the purpose of regulating the financial functions of the Council, including the keeping of records and reporting, but such regulations shall conform, as much as possible, to the Financial Regulations.

Regulations by Minister of Finance. Sub. Leg. Vol. VI. page 3605.

**50.** (1) The Minister of Finance shall from time to time by warrant under his hand addressed to the responsible public officer, authorize and direct that all such monies as are reasonably required for meeting any lawful expense required to be incurred for the holding of elections of Councils be paid out of the Consolidated Fund.

Appropriation of monies required to hold elections.

(2) A statement of the expenses so paid shall, as soon as practicable, be laid before the House of Assembly.

**51.** The provisions of sections 45 to 50 shall *mutatis mutandis* apply to town committees as they apply to Councils.

Application of Part IX to committees.

## PART X MISCELLANEOUS

**52.** Where Orders are made under section 4 disestablishing a district and constituting another district incorporating the area of the district so disestablished, the following provisions shall apply —

Provisions governing establishment of new district.

- (a) the Council of the district so constituted shall for all purposes be the successor of the Council of the district disestablished and without prejudice to the generality of the foregoing provisions of this paragraph, the property, rights, powers,

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- liabilities and obligations of the last-mentioned Council shall thereupon be transferred to and vest in the first-mentioned Council accordingly;
- (b) nothing in this subsection shall be deemed to provide for the subsistence, after the coming into operation of an Order disestablishing a district, of any contract of service with a Council;
  - (c) subject to the provisions of paragraph (d), no liabilities or obligations (other than in respect of superannuation rights or benefits or of leave) arising in respect of the termination, by virtue of the said Order, of any service of any employee, shall be deemed to be incurred by, or assigned to, the Council of a district constituted as aforesaid or the Minister; and
  - (d) the Council of a district so constituted shall afford to every employed, whose service is terminated as mentioned in paragraph (c) an opportunity of serving it, with effect from such termination upon such terms and conditions as may be agreed upon between the Council and the employee:

Provided that such terms and conditions proffered by the Council shall, when taken as a whole, be no less favourable than those which the employee enjoyed with the Council of the disestablished district.

*Ex officio* justices  
of the peace.  
Ch. 54.

**53.** Notwithstanding the provisions of section 4 of the Magistrates Act, each Chairman, Chief Councillor, Administrator, Senior Deputy Administrator, Deputy Administrator and Assistant Administrator shall, by virtue of his office, be a justice of the peace for the town area or district which he represents or for which he is responsible, and his name shall be entered on the commission or roll mentioned in that section and thereupon such justice of the peace shall be entitled to exercise within that town area or district; as the case may be, all the functions of a justice of the peace under the Act or any other law:

Provided that all fees taken by such justices of the peace in the exercise of such functions shall be paid by them into the Consolidated Fund.

**54.** Without prejudice to any power to make regulations conferred by this Act, the Minister may make regulations —

Power of  
Minister to make  
regulations.

- (a) governing the conduct of the election of Councillors, or committee members, as the case may be;
- (b) prescribing any form, or any procedure for which no procedure is contained in this Act; and
- (c) generally for carrying the provisions of this Act into effect.

### FIRST SCHEDULE

*S.I. 56/2008*

(section 4(2))

### LOCAL GOVERNMENT DISTRICTS

<b>The District</b>	<b>Boundaries</b>
Grand Cay	North Abaco Constituency Polling Division No. 1
North Abaco	North Abaco Constituency Polling Division Nos. 2, 3, 4, 5 & 6
Green Turtle Cay	North Abaco Constituency Polling Division No.7
Central Abaco	North Abaco Constituency Polling Division Nos. 8, 9, 10 & 11 South Abaco Constituency Polling Division Nos. 4, 5, 6 & 7
South Abaco	South Abaco Constituency Polling Division Nos. 8, 9, 10 & 11
Hope Town	South Abaco Constituency Polling Division Nos. 1, 2 & 3
Moore's Island	South Abaco Constituency Polling Division No. 12
Acklins	MICAL Constituency Polling Division Nos. 4, 5, 6 & 7
Crooked Island and Long Cay	MICAL Constituency Polling Division Nos. 1, 2, 3 & 8
North Andros	North Andros Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 9 & 10

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<b>The District</b>	<b>Boundaries</b>
Central Andros	North Andros Constituency Polling Division Nos. 11, 12 & 13 South Andros Constituency Polling Division Nos. 9A, 9B, 10, 11 & 12
South Andros	South Andros Constituency Polling Division Nos. 1, 2, 3, 4, 5 & 6
Mangrove Cay	South Andros Constituency Polling Division Nos. 7 & 8
Berry Islands	North Andros Constituency Polling Division No. 8
Bimini	West End & Bimini Constituency Polling Division Nos. 8, 9, 10 & 11
Cat Island	Cat Island, Rum Cay & San Salvador Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7 & 8
Black Point	Exuma Constituency Polling Division Nos. 1, 2 & 3
Exuma	Exuma Constituency Polling Division Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15
Harbour Island	North Eleuthera Constituency Polling Division Nos. 1, 2 & 3
Spanish Wells	North Eleuthera Constituency Polling Division Nos. 4, 5 & 6
North Eleuthera	North Eleuthera Constituency Polling Division Nos. 7, 8, 9, 10 & 11
Central Eleuthera	North Eleuthera Constituency Polling Division Nos. 12, 13 & 14 South Eleuthera Constituency Polling Division Nos. 9, 10, 11, 12 & 13
South Eleuthera	South Eleuthera Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7 & 8
East Grand Bahama	High Rock Constituency Polling Division Nos. 1, 2, 4, 5, 6 & 9B
West Grand Bahama	West End & Bimini Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6 & 7 Eight Mile Rock Constituency Polling Division Nos. 1, 2, 6, 7, 8, 9, 1a, 10, 11, 12 & 13B

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<b>The District</b>	<b>Boundaries</b>
City of Freeport	Lucaya Constituency
	Polling Division No. 7B
	Eight Mile Rock Constituency
	Polling Division Nos. 3, 4, 5, 13A, 14 & 15
	High Rock Constituency
	Polling Division Nos. 3, 7, 8, 9A, 1a, 11, 12, 13 & 14
	Lucaya Constituency
	Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 1a, 11, 12, 13, 14, 15, 16 & 17
	Marco City Constituency
	Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14
Inagua	Pineridge Constituency
	Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13
Long Island	MICAL Constituency
	Polling Division Nos. 11 & 12
Mayaguana	Long Island and Ragged Island
	Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 8 & 10
Ragged Island	MICAL Constituency
	Polling Division Nos. 9 & 10
Rum Cay	Long Island and Ragged Island
	Polling Division No.9
San Salvador	Cat Island, Rum Cay and San Salvador Constituency
	Polling Division No.9
	Cat Island, Rum Cay and San Salvador Constituency
	Polling Division Nos. 10 & 11.

*S.I. 46/1999.*

**SECOND SCHEDULE**

**LOCAL GOVERNMENT DISTRICTS**

North Abaco  
Central Abaco  
South Abaco  
North Andros  
Central Andros  
South Andros  
Cat Island  
Central Eleuthera  
South Eleuthera  
Exuma  
East Grand Bahama  
West Grand Bahama  
Long Island

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**THIRD SCHEDULE**

**LOCAL GOVERNMENT DISTRICTS**

Acklins

*S.I.47/1999*

Berry Islands

Bimini

Black Point

City of Freeport

Crooked Island and

Long Cay

Grand Cay

Harbour Island

Hope Town

Inagua

Mangrove Cay

Mayaguana

Moore's Island

North Eleuthera

Ragged Island

Rum Cay

San Salvador

Spanish Wells

**FOURTH SCHEDULE**

**FORM OF OATH OF OFFICE**

I ..... do swear that I will faithfully execute  
the office of ..... without fear or favour,  
affection or ill-will, according to the best of my judgment and ability.

So help me God.