



ST. CHRISTOPHER AND NEVIS

CHAPTER 2.03

LOCAL GOVERNMENT ACT And Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

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LOCAL GOVERNMENT ACT

Act 20 of 1967 ... in force 1st December 1967

Amended by: Act 21 of 1967

Act 25 of 1971

DEFINITION OF BOUNDARIES OF WARDS – Section 17

S.R.O. 46 of 1967

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CHAPTER 2.03

LOCAL GOVERNMENT ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF LOCAL COUNCIL IN THE ISLAND OF NEVIS AND FOR PURPOSES INCIDENTAL THERETO OR CONNECTED THEREWITH.

PART I

PRELIMINARY

Short title.

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

Interpretation.

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

“By-law” means any by-law made under the Authority of this Act or of any other Act or Ordinance and for the time being in force;

“Cabinet” means the Cabinet of Ministers established under the Constitution of the State;

“Chairman” means the Chairman of a Local Council holding office in accordance with the provisions of this Act, and includes an acting Chairman;

“Council Secretary” means the officer for the time being appointed by the Minister after consultation with the Public Service Commission to be Secretary to a Local Council constituted under this Act;

“election year” means the year one thousand nine hundred and sixty-seven, and every fourth year thereafter;

(Amended by Act 25 of 1971)

“Local Council” means the Nevis Local Council constituted under this Act;

“local elections” means elections held under the provisions of this Act for the purpose of electing members of a Local Council;

“Minister” means the Minister of the Government of the State for the time being charged with responsibility for the subject of Local Government;

“Permanent Secretary” means the Permanent Secretary to the Minister responsible for Local Government;

“Public Officer” means an established officer in the service of the Government of the State;

“resident” means, in relation to the district in respect of which a residence qualification is claimed, being ordinarily resident in the district for a period of twelve months or more previous to the date of registration as a voter and since the completion of such period of residence not having been ordinarily resident in any other place outside the district for a period of twelve months or more;

“State” means the State of Saint Christopher and Nevis;

“Ward” means a division or constituency for the purpose of local elections held under the provisions of this Act.

Establishment of Local Councils.

3. (1) For the purposes of this Act, there shall be established a Local Council for the Island of Nevis.

(2) The Island of Nevis shall be subject to the jurisdiction of its Local Council invested with the powers set out in this Act.

PART II

CONSTITUTION OF LOCAL COUNCILS

Composition of Local Council.

4. A Local Council shall consist of such number of elected members as corresponds with the number of Wards for the time being established in accordance with section 17 hereof.

(Substituted by Act 25 of 1971)

Election of Chairperson.

5. (1) At the first meeting in each year the members of a Local Council present and voting shall elect from among the members a person to be Chairperson and to hold office as such for one year.

(2) In the absence of the Chairperson from any meeting, or if there be no Chairperson the members present may elect a temporary Chairperson from among the members present for the purposes of the meeting.

(3) If during his or her year of office the Chairperson resigns or dies or is disqualified from being a member of the Council the members shall elect a Chairperson at the first meeting held after such resignation, death or disqualification has occurred.

(Amended by Act 25 of 1971)

Tenure of office of members.

6. (1) The tenure of office of a member of a Local Council constituted under this Act shall, unless the Local Council be sooner dissolved, be four years.

(2) The Governor-General shall dissolve a Local Council at the expiration of four years from the date when the Council first meets after Local Council elections unless it has been sooner dissolved.

(Amended by Act 25 of 1971)

Capacity of Local Council.

7. (1) Each Local Council shall have an office in the area under its jurisdiction and shall be entitled in its corporate name to make contracts to sue and be sued, to acquire, hold, mortgage and dispose of all property real or personal, movable or immovable.

(2) Each Local Council shall have perpetual succession and an official seal which shall be judicially noticed and such seal shall be authenticated by the signatures of the Chairperson and the Council Secretary.

(3) Until a Local Council obtains a seal in accordance with the provisions of subsection (2) of this section a rubber stamp bearing the corporate name of such Local Council and authenticated as aforesaid may be used instead of such a seal.

PART III

FUNCTIONS AND POWERS OF LOCAL COUNCILS

General duties of Local Councils.

8. (1) It shall be the general duty of a Local Council within the area for which it is constituted to provide for the collection and expenditure for the benefit of such area, of all the moneys authorised by law to be raised for such purpose; to provide for the good government and improvement of the area under its control; to enforce the provisions of this Act or any other law relating thereto; and without prejudice to the generality of these provisions it shall be the duty of the Local Council—

- (a) to apply the net amount of all moneys collected in paying all expenses incurred by the Local Council under this Act and also in repairing, cleansing, draining, and otherwise maintaining in good order such roads and other public places, such water works, buildings and works as may belong to the Local Council or as may from time to time be transferred to it by the Government of the State, and also in payment of any other expenditure required by this Act;
- (b) to keep accounts of all assessments made and moneys collected and disbursements paid by the Local Council;
- (c) to deliver copies or abstracts of all such accounts to the Director of Audit at least once each year;
- (d) to make detailed lists of the houses and lots of land in the area under its control, and of the owners or occupants thereof, and to deliver copies thereof to the Minister and to the Minister responsible for finance;
- (e) to enter into any contracts as the purposes of this Act may require;
- (f) to perform such other duties, relating to the area under its control as may be required under this Act or any by-laws made thereunder or as the Minister may lawfully direct.

(Amended by Act 25 of 1971)

(2) The Director of Audit on receipt of the copies or abstracts of accounts provided for in paragraph (c) of subsection (1) of this section and in subsection (1) of section 27 of this Act shall deliver to the Minister one copy thereof which shall be laid by the Minister before the National Assembly within one month of the receipt thereof by the Minister.

(Inserted by Act 25 of 1971)

Power to make by-laws.

9. (1) A Local Council shall have power to make by-laws generally for the good government of the area under its jurisdiction and in particular with respect to the following matters:

- (a) the times and mode of convening meetings, the attendance of members and the form and order of debates thereat, the appointment and constitution of committees, the regulation of the proceedings of committees, the conduct of the business thereat, and the general regulation of business of the Local Council and its committees;
- (b) the naming, cleanliness, regularity and width of streets and roads, and the maintenance of such village or minor roads as may be placed under the control of the Local Council by the Government of the State;
- (c) the numbering of buildings and building lots, the structure and material of the walls, foundations and roofs of new buildings, the method of repairing or rebuilding old buildings with special regard to the materials used in such repairs, and the closing, removal or demolition of old or dangerous buildings;
- (d) the prevention of and protection against fires;
- (e) the sufficiency of the space about and between buildings and the frontage of buildings upon or towards any street or road;
- (f) the drainage or cleaning of any premises, the management and removal of sewage matter, and the suppression, abatement, removal or discontinuance of any nuisance;
- (g) the collecting and removal of household refuse from premises and the cleanliness of public places or places of public resort;
- (h) the licensing and control of dogs;
- (i) the areas within which swine may be kept;
- (j) the keeping of animals, birds and bees and the destruction of insects;
- (k) establishing and regulating pounds and pound fees;
- (l) preventing horses, mules, asses, horned cattle, sheep, goats, pigs and other animals from being at large or tethered on any street or public place;
- (m) regulating the mode of dealing with animals found at large or tethered upon any street or public place;
- (n) establishing and regulating markets and slaughter houses and regulating market dues and the fees for fairs, sales and the hawking of live stock, produce or any goods whatsoever;
- (o) the slaughtering of animals whose flesh is intended to be offered for sale for food and the inspection and sale of livestock, meat, fish, vegetables and other foodstuffs and of liquids intended for human consumption;
- (p) the establishment and regulation of public bath houses, public washing places and public conveniences;

- (q) the siting, regulation and upkeep of public cemeteries, and the imposition of fees for the opening of graves, interments and the erection of monuments in such cemeteries;
- (r) the construction of buildings to be used as cinemas and the licence fees to be paid for the same and for public entertainments and performances;
- (s) the management and control of public cultural institutions, public parks and other places of public recreation;
- (t) regulating the storing and sale of dangerous or inflammable substances;
- (u) the provision of guides for tourists and the prevention of annoyance to tourists by beggars and idlers;
- (v) the provision of water tanks or other receptacles for the collection and storage of rainwater on any premises whether the same be in existence or are intended to be erected;
- (w) regulating the supply and distribution of water for sanitary, domestic and business purposes, preventing its waste or pollution and fixing and collecting rates for the same;
- (x) regulating any other public utility which may from time to time be established by the Local Council or be handed over to the Local Council by the Government of the State or by any other source and the levying and collection of fees, rates and charges therefor;
- (y) regulating traffic on streets and roads, subject to the provisions of the Vehicles and Road Traffic Act, Cap. 15:06 and of any Regulations made thereunder;
- (z) the control of and the imposition of fees, rates and taxes on—
 - (i) mobile refreshment vans and carts;
 - (ii) itinerant traders and vendors;
 - (iii) aerated water factories;
 - (iv) restaurants and other eating places;
 - (aa) the regulation and control of unoccupied houses and building lots;
 - (bb) levying and collection of rates and taxes on all buildings and land within the area controlled by the Local Council save and except buildings and land vested in the Crown for the purposes of the Government of the State.

(2) By-laws made under the preceding subsection shall have full force and effect within the boundaries of the area under the jurisdiction of the Local Council but except where specifically or by necessary implication provided under this Act or any other law from time to time in force in the State shall only operate in addition to and not in derogation of any other law of the State or of any power conferred by any other law upon any person or authority and exercisable with respect to the entire State:

Provided however that any by-law may in terms restrict its application to any particular part or district of the area under the jurisdiction of the Local Council.

(3) By-laws made under subsection (1) of this section may provide for any infringement thereof or failure to comply therewith a penalty not exceeding five hundred dollars on summary conviction.

(4) Every by-law, being consistent with the provisions of this Act and not repugnant to any law in force in the State, shall have the force and effect of law when confirmed by the Cabinet and published in the *Gazette*:

Provided that the National Assembly may by a resolution revoke the confirmation of any by-law, in which case such by-law shall thereupon cease to have any legal operation or effect.

Borrowing power of Local Council.

10. With the sanction of the Cabinet a Local Council may borrow any sum or sums of money for the purpose of carrying out works of public utility on such terms and on such security as the Cabinet shall deem fit.

Power to acquire lands etc.

11. (1) A Local Council may, with the sanction of the Cabinet, acquire by lease, purchase or otherwise lands and buildings or any part thereof for any purpose of public utility, and in particular with respect to waterworks, markets, streets, roads, parks and places of recreation.

(2) A Local Council may accept, hold and administer any gift of property for any public purpose, or for the benefit of the inhabitants of the area under its jurisdiction or of any part thereof, and may execute any works (including works of maintenance and improvement) incidental to or consequential on or of the exercise of the powers conferred under this subsection.

Transfer of existing statutory powers to Local Council.

12. (1) Notwithstanding the provisions of Development Control and Planning Act, Cap. 20.07 the Nevis Island Administration shall be and constitute the Building Board for the Island of Nevis and shall perform all the duties and have all the powers of Building Boards set out and prescribed by the Development Control and Planning Act and any regulations made thereunder.

(2) Notwithstanding the provisions of the Grove Park Regulations, purporting to have been made under the Public Parks Regulation Act, Grove Park in the Island of Nevis shall be under the management and control of the Nevis Local Council as though that Local Council had been appointed a committee of management and control under the provisions of the Public Parks Regulation Act, Cap. 23.24.

(3) Notwithstanding the provisions of the Watercourses and Water Works Act, Cap. 11.06, and the Regulations made thereunder, the Nevis Island Administration shall be and constitute the Water Board for the island of Nevis and shall perform all the duties and have all the powers of the Water Board set out and described by the Watercourses and Water Works Act and any regulations made thereunder.

(4) Notwithstanding the provisions of the Social Security Act Act, Cap. 22.10, and the Regulations made thereunder, the Nevis Island Administration shall be and constitute the Board of Visitors and the Poor Law Board for the island of Nevis and shall perform all the duties and have all the powers of the Board of Visitors and the Poor Law Board set out and described by the Hospitals and Poor Relief Act and any regulations made thereunder.

(5) Notwithstanding the provisions of the Public Health Act, Cap. 9.21 of the Laws of the State of Saint Christopher and Nevis, and the Regulations made thereunder the Nevis Island Administration shall be and constitute the Local Authority for the Island of Nevis respectively and shall perform all the duties and have all the powers of the Local Authorities set out and described by the said Public Health Act and any regulations made thereunder.

(6) Notwithstanding the provisions of the National Housing Corporation Act, Cap. 23. 18, and the Regulations made thereunder, the Nevis Island Administration shall be and constitute the Local Authority for the Island of Nevis and shall perform all the duties and have all the powers of the Local Authority set out and described by the said Slum Clearance and Housing Act and any regulations made thereunder.

(7) Notwithstanding the provisions of the Development Control and Planning Act, Cap. 20. 07, the Nevis Island Administration shall be and constitute the Local Authority for the Island of Nevis and shall perform all the duties and have all the powers of the Local Authority set out and prescribed by the Development Control and Planning Act and any regulation made thereunder.

(8) Notwithstanding the provisions of the Property Tax Act, Cap. 20.32, the Nevis Island Administration or a Committee thereof shall have all the powers and perform all the duties of Assessment Commissioners and for the purpose of carrying out the provisions of the Property Tax Act and the provisions of this Local Government Act.

PART IV

MEMBERSHIP OF LOCAL COUNCILS

Qualifications for members both elected and nominated of Local Councils.

13. (1) A person shall be qualified to be elected as a member of a Local Council if, and shall not be so qualified unless he or she—

- (a) is a citizen of the United Kingdom and Colonies of eighteen years or over; and
- (b) (i) was born in the State of Saint Christopher and Nevis and is domiciled there at the date of his or her nomination for election to the Local Council; or
(ii) has resided in the State for a period of not less than seven years immediately before the date of his or her nomination for election to the Local Council and is domiciled there at that date;
- (c) is not disqualified by virtue of this Act or any other enactment if he or she is nominated for election;
- (d) is ordinarily resident in the Ward for which he or she seeks election; and
- (e) is a registered voter in the Ward for which he or she seeks election.

(2) A person shall be disqualified from being elected as a member of a Local Council if he or she—

- (a) is by virtue of his or her own act under any acknowledgement of allegiance, obedience or adherence to a foreign power, or state;

- (b) is a Minister of Religion;
- (c) is an undischarged bankrupt having been so adjudged or declared bankrupt in any part of the Commonwealth;
- (d) is certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Saint Christopher and Nevis;
- (e) is under sentence of death imposed on him or her by any Court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called, exceeding twelve months imposed on him or her by such a Court, or is under such a sentence or imprisonment the execution of which has been suspended;
- (f) holds or is acting in any paid office or other place of profit in the gift or disposal of the Council;
- (g) is disqualified from being elected or being a member of a Council under any provisions of this Act or any other Act relative to corrupt or illegal practices;
- (h) holds or is acting in any public office;
- (i) belongs to any of the armed Forces of the Crown or to the Police Force;
- (j) subject to any exceptions or limitations prescribed by the Legislature, has any such interest in any contract with the Local Council as may be so prescribed; or
- (k) ceases to be a citizen of the United Kingdom and Colonies.

(3) Where on account of the incidence of an election year local elections fall to be held during the continuance of any Local Council any member of such Council shall be eligible to be elected at such election.

(Substituted by Act 25 of 1971)

Forfeiture of seat.

14. If any elected member of a Local Council is absent from any three consecutive meetings of a Local Council or is absent from the State for more than sixty days without the leave of the Chairperson, or if any circumstances arise that, if he or she were not such a member would cause him or her to be disqualified to be elected as such, he or she shall cease to be a member and his or her seat shall thereupon become vacant; and the Chairperson shall as soon as may be practicable inform the Minister in writing of the vacancy, and the Minister shall thereupon cause to be published in the *Gazette* a notification of the facts and circumstances of the vacancy.

(Amended by Act 25 of 1971)

Resignation of member.

15. Any member of a Local Council may resign his or her seat by writing under his or her hand addressed to the Chairperson, or, in the case of the Chairperson by writing under his or her hand addressed to the Council Secretary.

Vacancies and by-election.

16. (1) Should a vacancy arise in the membership of a Local Council, whether through death, resignation or any other cause, a by-election for the purpose of filling the vacant seat shall be held not later than eight weeks after the vacancy arises,

provided that if under the provisions of this Act an election is due to be held in the Ward for which the vacancy occurs within three months after the said vacancy arises, there shall be no by-election to fill such seat as aforesaid.

(Amended by Act 25 of 1971)

(2) Upon the holding of a by-election to fill a vacancy as in subsection (1) of this section provided, the member so elected in such by-election shall hold his or her seat in the Local Council for so long only as the member whose place he or she has filled would have held such seat had such vacancy not occurred.

Division into wards.

17. (1) For the purpose of holding local elections and by-elections the Island of Nevis shall be divided into such wards as defined in accordance with the provisions of this section.

(2) The Supervisor of Elections appointed under the provisions of the Constitution shall define the boundaries of the various wards before any local elections and shall submit the boundaries so defined to the Minister who shall as soon as practicable thereafter submit them to the National Assembly for its approval.

(3) The National Assembly may by resolution approve the boundaries of wards defined under subsection (2) hereof or may amend them at any time, and the boundaries so approved or amended shall be published in the *Gazette*.

(Substituted by Act 25 of 1971)

Supervisor of Elections.

18. The Supervisor of Elections shall have over-all charge of local elections and shall exercise general supervision over the registration of voters for such elections and over the conduct of such elections.

Returning Officers, etc.

19. (1) The Supervisor of Elections may appoint such Returning Officers, Presiding Officers and Poll Clerks as may from time to time be necessary for the conduct of local elections.

(2) In default of appointment of Returning Officers, the Council Secretary of a Local Council shall be the Returning Officer for the area under the jurisdiction of his or her Local Council.

Electoral lists.

20. (1) The lists of electors for local elections shall be the electoral lists used for the purpose of the election to the National Assembly of members for the constituency of Nevis.

(2) The Supervisor of Elections shall cause the electoral list for Nevis to be divided according to the system of Wards established under the provisions of section 17 of this Act.

(3) Any person whose name appears on the electoral list for the Ward in which he or she resides shall be entitled to vote in the election of a member for such Ward on the relevant Local Council.

Elections.

21. (1) The Supervisor of Elections shall fix a date not being earlier than the first nor later than the fifteenth day of December in each election year for the holding of local elections, and shall cause notices announcing the same to be published in the *Gazette* and posted on the outer doors of the office of each Local Council and of any church, police station and government school within the limits of the jurisdiction of the Local Council, and in any other conspicuous places he or she shall think fit at least two weeks before the date fixed for such local elections:

Provided that the period set out in this subsection for the holding of local elections shall not apply to the holding of the first local elections or of by-elections nor to elections following upon any dissolution of a Local Council.

(2) Seven days before the date fixed for any local election or by-election the Returning Officer shall attend at ten o'clock in the morning at the office of the Local Council and shall receive the nominations of persons qualified for election as members for each Ward of the Local Council until one o'clock in the afternoon of the same day, and each candidate shall be proposed and seconded by at least two duly registered voters of the Ward for which he or she is a candidate.

(3) If at one o'clock in the afternoon only one candidate has been validly nominated for any seat to be filled, the Returning Officer shall as soon as possible thereafter publicly declare that candidate to be duly elected and shall immediately thereafter notify such election in writing to the Supervisor of Elections, and to the Council Secretary in any case where the Council Secretary is not himself or herself the Returning Officer.

(4) Should no candidate be validly nominated for election to any Ward in a local election or by-election, the Returning Officer shall immediately notify the fact in writing to the Supervisor of Elections and to the Minister and the Minister may in each such case nominate an additional member to the Local Council until a fresh election can be held in the Ward or Wards concerned, which shall in such case take place not later than three months after the date fixed for the said previous election.

(5) If there shall be more than one candidate duly nominated for any Ward, a poll shall be taken and in such case the Returning Officer shall adjourn the election to the date one week hence which was fixed for such election.

(6) On the date fixed for local elections under the provisions of this section, the Presiding Officer in each Ward in which an election is to be held shall attend at the place set apart for such election, and there between the hours of seven o'clock in the morning and six o'clock in the afternoon, he or she shall receive and record the votes of those qualified to vote at such election:

Provided that the Supervisor of Elections may, if he or she considers it desirable so to do, establish several polling stations in each Ward, each with its own Presiding Officer.

(7) Voting shall be by secret ballot and as soon as possible after the close of the polls in each Ward, the Returning Officer shall count the votes validly cast in each Ward, the candidates or their duly authorised agents, not being more than one for each absent candidate, being then present if they so elect, and the Returning Officer shall then publicly declare the person having the largest number of valid votes in such Ward to be duly elected member for such Ward of the Local Council.

(8) Whenever there is an equality of valid votes between two or more candidates in any Ward, the Returning Officer shall make a special return of the

result of the election to the Council Secretary and the Local Council shall have the right by resolution to choose one of such candidates to be the member for that Ward.

(9) The procedure for the election of a member in a by-election shall be the same as for ordinary local elections.

(10) Save as expressly provided for otherwise under the provisions of this Act, the provisions of the National Assembly Elections Act, Cap. 2.01 or of any Act amending or replacing the same and dealing with elections to the National Assembly, shall apply *mutatis mutandis* to local elections and by-elections under this Act.

Election Petitions.

22. (1) A petition complaining of an undue return or undue election of a member of a Local Council (in this section called an election petition) may be presented to the High Court by any one or more of the following persons, that is to say—

(a) some person who voted or had a right to vote at the election to which the petition relates;

(b) some person claiming to have been a candidate at such election.

(2) The procedure for the presentation, hearing and adjudication of election petitions with regards to the election of members to the National Assembly shall apply *mutatis mutandis* to election petitions under this Act.

Dissolution of Local Council.

23. (1) If in the judgment of the Cabinet any Local Council persistently makes default in the performance of the duties imposed on it by this Act or any other law in force from time to time, or exceeds or abuses its powers, it shall be lawful for the Governor-General to appoint a Commission of Inquiry to investigate the conduct of the Council and to report thereon.

(2) A Commission of Inquiry appointed for this purpose shall consist of a Chairperson and not less than two other members who shall be appointed by the Governor-General acting on the advice of the Cabinet.

(3) A Commission of Inquiry, after investigation, shall report its findings to the Governor-General, and the Cabinet after studying the report shall decide whether or not it is justifiable that a Council should be dissolved, and upon the advice of the Cabinet it shall be lawful for the Governor-General by an Order published in the *Gazette*, to dissolve the said Local Council.

(4) The question whether or not the Governor-General has been properly advised by the Cabinet with reference to an Order for the dissolution of a Council shall not be inquired into by any Court of Law.

(5) Such an Order of the Governor-General shall provide for the performance of the duties and the exercise of the powers imposed on or vested in a Local Council by this Act or by any other Law in force in the State from time to time to be performed by such person or persons as the Premier shall appoint.

(6) When such an Order has been made the following consequences shall ensue—

(a) all members of the Local Council shall, from the date of such Order, vacate their offices as members of the Local Council;

(b) all the powers and duties of the Local Council shall until the constitution of a new Council under this Act be exercised and

performed by such person or persons as may be appointed in accordance with the provision of sub-section (5) of this section, and any payment made to such person or persons for his or her or their services shall be a charge upon the revenues of the Local Council; and

- (c) all property vested in the Local Council shall, during the period aforesaid, vest in the persons aforesaid until the constitution of a new Local Council, whereupon all such property shall again become vested in the said Local Council.

PART V

FINANCIAL

Revenue and expenditure to be accounted for.

24. (1) All moneys due to a Local Council shall be paid to the Accountant General in Nevis as the case may be and shall be placed in a Deposit Account maintained for this purpose and kept separate and apart in the Accountant General's books from all other accounts, and such moneys shall not form part of the Consolidated Fund of the State.

(2) All payments from the Deposit Account shall be made by the Accountant General on the written authority of the Council Secretary countersigned by the Chairperson, or in the absence of the Chairperson, some other member duly authorised by the Local Council.

Sources of Revenue.

25. (1) The Revenues of a Local Council shall be derived from the following sources—

- (a) Property Tax imposed on land and houses in the area of jurisdiction of the Local Council by virtue of the Property Tax Act or imposed by by-laws made under this Act;
- (b) water service rates imposed on premises within the area of jurisdiction of the Local Council by virtue of the Watercourses and Waterworks Act, Cap. 11.06 or imposed by by-laws made under this Act;
- (c) dog licences collected with respect to dogs in the area of jurisdiction of the Local Council by virtue of the Dog Act or by-laws made under this Act;
- (d) drivers' licences collected in the Island of Nevis, by virtue of the Vehicles and Road Traffic Act;
- (e) fifty *per centum*, or such greater proportion as the Cabinet may from time to time allocate to the Local Council, of the Vehicle Licences collected by the Government of the State on vehicles licensed in the Island of Nevis under the Vehicles and Road Traffic Act;
- (f) liquor licences imposed and collected by the Government of the State on licensed premises in the Island of Nevis under the Liquor Licences Act;

- (g) tobacco licences collected by the Government of the State in the Island of Nevis, under the Customs (Control and Management) Act, Cap. 20.04;
- (h) pedlars' licences levied on pedlars resident in the Island of Nevis, and collected by the Government of the State under the Travelling Agents' and Pedlars' Licences Act, Cap. 20.47;
- (i) the proceeds of the levy on the export of cotton from the Island of Nevis (in the case of the Nevis Local Council) collected by the Government of the State under the Cotton Export Levy Act, Cap. 20.03;
- (j) licence fees collected by the Government of the State on boats licensed in Nevis, under the Merchant Act, Cap. 7.05;
- (k) licence Fees collected by the Government of the State on the licensing of porters and boatmen in the Island of Nevis, under the Porters' and Boatmen Act;
- (l) monies derived from the sale, rental or mortgage of properties vested in the Local Council; and
- (m) all other sources from which the same may be lawfully derived, including any vote, contribution or grant in aid of administration made or granted to a Local Council from time to time by the Legislature of the State.

(Amended by Act 25 of 1971)

(2) A Local Council may submit to the Minister, after consultation with the Ministry of finance, by way of a resolution duly passed by the Council, recommendations for the imposition of increased taxation or new forms of taxation to be derived from sources within the area of its jurisdiction.

(3) Whenever the Minister shall approve of any such recommendation, he or she shall take early steps to have such recommendation implemented, subject to the approval of the National Assembly wherever so required by law.

(4) Whenever any such recommendation which has been approved as aforesaid requires a Local Council to pass a by-law to give effect thereto, it shall be incumbent on the Local Council concerned to make the necessary by-law and submit it within three months of such approval to the Minister and to the Ministry of Finance for confirmation by the Cabinet and publication in the *Gazette*.

Estimates.

26. (1) Estimates of Revenue and Expenditure for any year shall be prepared annually by each Local Council and submitted to the Minister and to the Ministry of Finance on or before the first day of August in the preceding year, and the Minister may amend the same as he or she shall think fit.

(2) Unless the sanction of the Minister shall have been previously obtained, no payment from the Deposit Account as constituted in subsection (1) of section 24 of this Act shall be authorised by the Local Council except in accordance with the Estimates duly approved by the Minister.

Accounts.

27. (1) Each Local Council shall prepare and submit to the Director of Audit and to the Ministry of Finance in the month of February in every year a financial statement in duplicate of its accounts for the previous year.

(2) After the completion of the audit, the Director of Audit shall report thereon and shall send one copy of his or her report to the Minister and to the Ministry of Finance and another to the Local Council concerned.

(3) The Minister shall cause his or her copy of the report to be laid before the National Assembly as soon as practicable thereafter, and the Local Council shall consider the report at its next ordinary meeting or as soon as practicable thereafter.

(4) The accounts of each Local Council shall be open at all reasonable times to inspection by the Permanent Secretary to the Minister, the Financial Secretary Ministry of Finance, the Director of Audit or any member of his or her staff or any member of the Local Council.

(Amended by Act 25 of 1971)

Fees.

28. Subject to the approval of the Minister, a Local Council may—

- (a) charge fees for any service which it provides or for any licence or permit which it issues, in addition to any other fees or charges payable under any by-law made under this Act;
- (b) authorize, for good cause, the remission of any fees or other charges imposed under the provisions of this Act or any by-laws made thereunder.

Property of Local Council.

29. (1) All rents, fees, charges and other moneys whatsoever receivable or payable for the general revenue of a Local Council shall be deemed the property of the said Local Council.

(2) All property whether movable or immovable, real or personal, belonging to a Local Council shall be vested in the said Local Council.

(3) In any civil or criminal or other proceedings in respect of any moneys or other property whatsoever belonging to a Local Council, it shall suffice to describe the same as the moneys or property of the Nevis Local Council.

PART VI**COUNCIL SECRETARY AND PUBLIC SERVANTS****Council Secretary.**

30. (1) Notwithstanding the provisions of any other law to the contrary, the Minister may after consultation with the Public Service Commission appoint any public officer to be or to act as Secretary to a Local Council and the Council Secretary shall be responsible to the Local Council in the performance of his or her duties as Council Secretary.

(2) For the purposes of this Section, the Minister may, after consultation with the Public Service Commission appoint an officer on contract to be or to act as Secretary to the Local Council.

Provided, however, that a Council Secretary while remaining a public officer shall be subject to the General Orders and other Service Regulations of the Government of the State, or in the case of an officer appointed on contract, to the terms of the contract.

Duties of Council Secretary.

31. (1) The Council Secretary shall be the chief executive officer of the Local Council and shall have all such powers and perform all such duties as are or may be conferred or imposed upon him or her by this or any other Act, or by any regulation, by-law or order of the Local Council.

(2) The Council Secretary shall—

- (a) maintain a Vote Book in which he or she shall enter up all Local Council receipts and payments in accordance with the entries made in the Deposit Account of the Local Council by the Chief Revenue Officer;
- (b) prepare the annual Estimates of Revenue and Expenditure as approved by the Local Council and submit them to the Permanent Secretary;
- (c) make all necessary arrangements for the holding of meetings of the Local Council and of Committees thereof;
- (d) attend at all meetings of the Local Council and of every Committee thereof and keep the minutes of the proceedings at every such meeting and submit a copy of such minutes to the Permanent Secretary;
- (e) conduct the proceedings of the Local Council at its first meeting each year until a Chairperson has been elected.

Public officers.

32. (1) Without prejudice to the power of a Local Council to engage its own staff subject to the approval of the Minister, as and when circumstances permit or require, all public officers, whose duties include supervisory or executive functions in respect of any duties imposed upon a Local Council by this or any other Act, shall be directly responsible to the Local Council during such time as they may be performing such duties.

(2) All such public officers shall carry out their Local Council functions in addition to such other duties as may be properly required of them by the Government of the State.

(3) The salaries of all public officers performing Local Council functions shall be a charge on the Consolidated Fund of the State.

Casual labour.

33. Each Local Council shall employ directly such non-established labour as may be required to carry out the functions for which it is made responsible by this or any other Act, and shall be liable for the payment of the necessary wages in that regard out of its Deposit Account with the Chief Revenue Officer.

PART VII

LOCAL COUNCIL MEETINGS AND PROCEDURE THEREAT

Meetings of Local Councils.

34. (1) A Local Council shall meet at least once in each quarter and at such other times as may be fixed by by-laws of the Local Council or when convened by the Chairperson and committee meetings of a Local Council shall be held at such times as the Council Secretary or the Chairperson of such Committee shall deem necessary.

(2) If any three members of a Local Council present to the Chairperson a request in writing that the Local Council may be convened for the consideration of some particular matter, it shall be the duty of the Chairperson to have the Local Council convened accordingly without delay.

(3) If the Chairperson refuses to convene a meeting of the Local Council after a requisition for that purpose signed by three members thereof has been presented to him or her, any three members of the Local Council may forthwith, on that refusal, convene a meeting.

(4) If the Chairperson, without so refusing, does not within seven days after such presentation, convene a meeting, any three members of the Local Council may, on the expiration of those seven days, convene a meeting.

(5) Five members shall form a quorum at any meeting of a Local Council.

Majority decisions and casting vote.

35. (1) Every question before a Local Council or any Committee thereof shall be decided by a majority of the votes of the members present and voting thereon.

(2) In any matter to be decided by a vote at a meeting of a Local Council or of a Committee thereof, the Chairperson of the Council or of the Committee, as the case may be, shall have an original vote and, in the event of an equality of votes, he or she shall have a second or casting vote.

Validity of proceedings.

36. The proceedings of a Local Council or of a Committee thereof shall not be invalidated by reason of any vacancy in the membership thereof (including any vacancy not filled when the Local Council is first constituted or is reconstituted at any time), and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the Local Council or in the Committee as the case may be or otherwise took part in the proceedings.

Members' pecuniary interests.

37. (1) If any member of a Local Council or of any Committee thereof has any pecuniary interest, direct or indirect, by himself or herself or his or her partner, in any contract, proposed contract or other matter and is present at a meeting of the Council or Committee at which the matter is up for consideration, he or she shall at that meeting disclose the fact of his or her interest and shall not take part in any consideration or discussion of such matter nor vote on any question with respect thereto, and if the Chairperson so directs, he or she shall withdraw from the meeting during such consideration or discussion.

(2) Nothing in this section shall apply to an interest in any contract or other matter which a member of a Local Council or of a Committee thereof may have as a tax payer or rate payer or as an inhabitant *per se* of the area.

Committees.

38. (1) At its first meeting in each year, a Local Council shall appoint a Finance, Works and General Purposes Committee and a Health and Social Welfare Committee, and a member of a Local Council may be appointed to more than one Committee.

(2) A Local Council may appoint such other Committees as it may think fit for any general or special purpose.

(3) A Local Council may delegate to a Committee so appointed with or without conditions or restrictions as it thinks fit, any function exercisable by the Council either with respect to the whole or to any part of the area under its jurisdiction.

(4) The powers of delegation conferred by subsection (3) of this section shall not include the power to delegate the making of by-laws, the raising of any revenues, the approval of the annual Estimates or the borrowing of money to any Committee of the Local Council.

PART VIII

ASSESSMENT AND APPEALS

Assessment for rates and taxes.

39. (1) Any member or members of a Local Council or any of its servants or agents, may at any reasonable time enter into any building or lot of land within the area of jurisdiction of the Local Council for the purpose of assessing the rental value of the same or for the purpose of assessing the same for Water Service Rates.

(2) The Local Council shall, in respect of houses and lots of land within the area of its jurisdiction fix a rate of tax and in respect of private water services fix Water Service rates which taxes and rates shall be subject to the approval of the Minister.

(3) The said taxes and rates in respect of houses and land shall be paid by the owners or attorneys of the owners of such houses and land and if the owners are not known, by the tenants or occupiers of the said houses and land.

(4) The power conferred by subsection (2) of this section to levy taxes and rates shall be in addition to any other powers conferred by this or any other Act upon a Local Council to impose fees and charges within the area of its jurisdiction.

(5) Every person who assaults, impedes, obstructs or hinders any member of a Local Council or any servant or agent of a Local Council in the discharge of his or her duty under this section commits an offence against this Act.

(6) Any proceeding instituted against any such offender shall be taken in the name and at the instance of the person assaulted, impeded, obstructed or hindered as aforesaid, anything in this Act to the contrary notwithstanding.

Notice of assessment.

40. Seven days prior to any assessment being made, the Council Secretary shall give notice to all persons resident in the area or owning property in the area, and liable to assessment to attend at a time and place within the area to be named for the making of such assessment and he or she shall also post up a like notice at the office of the Local Council, the Police Stations, the Revenue Office or Sub-Treasury and any other conspicuous place in the Island.

Assessment Books.

41. (1) The Council Secretary shall enter or cause to be entered in a book or books to be kept for that purpose, the name of every person who shall be assessed to taxes or rates, the description of the property for which he or she is assessed and the amount of such assessment, and shall sign the same and furnish each person so assessed with a copy of the entry regarding himself or herself; and the serving of such copy by leaving the same at his or her usual place of abode, or with some person on or at the property in respect of which the assessment was made, shall be deemed to be a sufficient demand for the payment of the tax, rate or sum assessed.

(2) The Council Secretary shall also forward a copy of the entries in his or her assessment books to the Accountant-General of the Island, and shall post a copy of the said assessment list at the office of the Local Council.

Rates and taxes, how payable and recoverable.

42. (1) The rates and taxes assessed under this Act shall be paid to the Accountant-General in two equal half yearly instalments, that is to say, on the first day of June and on the first day of December in each and every year:

Provided that when such days fall on a Sunday or public holiday such taxes may be paid on the day next following.

(2) Such payment shall be made by the owner and in default of payment by him or her, shall be recoverable by levy and sale of his or her goods and chattels and in case the property assessed shall be occupied by any person other than the owner, then (in default of payment by the owner) such rates and taxes or any unpaid part thereof, shall be paid by the occupier, and in default of payment shall be recoverable by levy and sale of his or her goods and chattels, and in default of payment by the owner, then such rates and taxes or any unpaid part thereof shall be recoverable by levy and sale of any chattels for the time being on such property, and in default of such or sufficient chattels then by levy and sale of the property assessed or any sufficient part thereof.

Power of tenants to deduct rates and taxes for rent.

43. Where no agreement between landlord and tenant exists to the contrary, any tenant paying rates or taxes under this Act is hereby authorised to deduct such rates and taxes from any rent payable by him or her in respect of the property rated or taxed.

Recovery of rates and taxes by Warrant.

44. Unpaid rates and taxes shall be recoverable by the Accountant-General, who shall issue his or her warrant under his or her hand to any person whom he may employ as Bailiff in the Form contained in the First Schedule to this Act, and thereupon all proceedings shall be had for the recovery of such rates and taxes under the warrant aforesaid as are directed for the recovery of taxes under the Property Tax

Act, and all the provisions of that Act, which enable the Provost Marshal to proceed, and which are otherwise requisite for the recovery of taxes as therein mentioned, and also sections 33 and 34 thereof *mutatis mutandis*, shall be deemed to be incorporated herein and be taken as part of this Act.

Exclusion from assessment lists.

45. There shall be excluded from the assessment lists mentioned in section 41 of this Act—

- (a) any property vested in any person on behalf of the Government of the State or the United Kingdom Government;
- (b) any building set apart and used only for divine worship; or any schoolhouse used only as such or any building belonging to a religious denomination, set apart on church lands and used as a residence for a minister of that religious denomination or the land occupied by any of the above including glebe land:

Provided that where rent is paid to the owner of any such building or land the owner thereof shall pay the rate of tax.

Notice of appeal against assessment.

46. Any person aggrieved by an assessment under the provisions of this Act may within fourteen days after the assessment of and demand made for the rates or taxes by the Local Council give notice in writing to the Magistrate of the District in which the Local Council is situate, and to the Local Council of his or her intention to appeal against such assessment and shall in such notice state the amount at which he or she contends he or she ought to have been assessed, or as the case may be the grounds upon which he or she contends that he or she is not liable to be so assessed.

Time for hearing appeals.

47. (1) Within not less than twenty-one days and not more than forty-two days after such assessment and demand, the District Magistrate shall hold a special session for the purpose of hearing appeals against such assessment.

(2) Notice of such session shall be given by the Magistrate in the *Gazette*, and by notice affixed to the door of the office of the Local Council, the Police Station, the Treasury and at other conspicuous places in the Island of Nevis.

Magistrate's proceedings and powers on appeals.

48. At the session so held the Magistrate shall hear all appeals of which notice shall have been given as aforesaid, and confirm, annul, or correct such assessment and for such purpose, the Magistrate shall have power to summon witnesses to give evidence or to produce documents, and may examine such witnesses, the appellant and the Council Secretary upon oath, and may adjourn the session from time to time, and the determination by the Magistrate of any question of fact shall be final and conclusive.

Non-appearing or refractory witness.

49. Any witness failing to comply with a summons to attend as aforesaid or refusing or neglecting without lawful excuse to produce any document shall be liable to the same penalties and punishment as though the appeal were a matter coming within the ordinary summary jurisdiction of the Magistrate.

Magistrate's proceedings subsequent to decision of appeals.

50. The Magistrate after determining all such appeals as aforesaid shall communicate his or her decision to the Council Secretary who shall where necessary cause the Assessment Book to be amended in accordance with such decision and communicate the amendment so made to the Chief Revenue Officer who shall amend his or her copy of the assessment books and shall collect the rates and taxes accordingly.

Transitional provisions.

51. (1) Until a Local Council has made by-laws providing for the assessment to land and house tax and for collection of the tax, the provisions of the Property Tax Act shall apply so far as they relate to the Island of Nevis, and thereafter, except as provided in section 44 of this Act, the Property Tax Act shall cease to apply as aforesaid.

(2) Until a Local Council has made by-laws providing for the assessment to Water Service Rates and for the collection of such rates, all the provisions of the Watercourses and Waterworks Act providing for the assessment to and collection of such rates within the area of jurisdiction of such Local Council shall apply to such area of jurisdiction but thereafter they shall cease to apply as aforesaid.

PART IX

MISCELLANEOUS

Allowances to members of Local Council.

52. (1) With the concurrence of the Minister a Local Council may pay to its members either a fixed monthly allowance or a variable allowance based on attendance at meetings of the Council.

(2) The receipt of an allowance as in subsection (1) of this section provided shall not be deemed to make the receiver thereof the holder of a public office or a party to a contract with the Government of the State or with the Local Council for the purpose of disqualifying such person for membership of the National Assembly or of the Local Council.

Powers of Nevis Local Council in regards to cotton.

53. (1) All property real or personal, movable or immovable at the commencement of this Act vested in the Nevis Cotton Growers Association incorporated by and under the Nevis Cotton Growers Association Act shall hereafter be vested in the Nevis Local Council.

(2) The Nevis Local Council may, with the consent of the Minister, enter into contracts for or in connection with the sale of cotton produced in the Island of Nevis and intended to be exported from the State, and this power shall be exclusive to the Nevis Local Council and no other person or authority may make any contract for or in connection with such sale as aforesaid.

(3) The provisions of subsections (2), (3) and (4) of section 9 of this Act shall apply to by-laws made under this section in the same manner as they apply to by-laws made under the said subsection (1) of section 9.

Power of entry.

54. Any person duly authorised in writing in that behalf by a Local Council may at all reasonable times enter upon any premises within the area of jurisdiction of the Local Council for the purpose of carrying out any function or making any investigation within the sphere of action of the Local Council as authorised by this or any other Act for the time being in force.

Offences.

55. Any person who—

- (a) wilfully obstructs, molests or hinders any member of a Local Council or any authorised servant or agent of a Local Council in the execution of any of the duties of the Local Council under this Act;
- (b) being the occupier of any premises, prevents the owner of such premises from complying with any lawful requirement of a Local Council; or
- (c) being the occupier of any premises, on demand refuses to give or wilfully misstates the name or address of the owner of such premises or of the agent of such owner,

commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(Amended by Act 9 of 1986)

Omnibus penalty.

56. (1) Any person who commits any offence against this Act for which no penalty has been specially provided shall, in respect of each such offence, be liable, on summary conviction, to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months or to both such fine and such imprisonment, and in the case of a continuing offence to a further penalty of fifty dollars in respect of each day during which the offence continues.

(2) If any person infringes or fails to comply with the provisions of any by-law lawfully made by a Local Council which does not provide for a penalty for such infringement or failure to comply as aforesaid, such person commits an offence and shall be liable, on summary conviction, to a fine not exceeding two hundred and fifty dollars.

(Amended by Act 9 of 1986)

FIRST SCHEDULE

(Section 44)

WARRANT TO LEVY RATES AND TAXES UNDER THE LOCAL GOVERNMENT ACT

NEVIS

By + Accountant-General.

WHEREAS the several persons named in the list to this Warrant annexed are respectively liable in respect of the respective rates therein referred to, to pay the respective amounts set opposite to their respective names therein; AND WHEREAS default hath been made in payment of the same. YOU are, therefore, hereby required to levy upon the said persons respectively the respective amounts set opposite to their respective names in the said list together with the costs attending any levy and any sale or other proceedings consequent thereon and you are hereby required in the first place to levy the same respectively upon and to sell the respective goods and chattels of the respective persons named in the said list and in default of satisfaction thereby then to levy the same respectively upon and to sell the respective houses and lots of land in respect whereof the respective rates in the said list are respectively payable and the same you are hereby respectively to sell in like time and manner as if the same respectively had been levied upon by virtue of a Writ of Seizure and Sale issued out of the West Indies Associated States Supreme Court; And of your proceedings herein you are to make a return to me at the end of every thirty (30) days commencing from the date hereof until your final return which you are to make to me on or before the thirty-first day of December next.

GIVEN under my hand at in the Island of.....20.....

..... Accountant-General.

+ Fill in the Accountant-General's name.

SECOND SCHEDULE

(Section 17)

DEFINITION OF BOUNDARIES OF WARDS BEFORE FIRST LOCAL COUNCIL ELECTIONS, NEVIS

WHEREAS section 17(3) of the Local Government Act, provides that the National Assembly may, by Resolution, approve the boundaries of Wards defined by the Supervisor of Elections or may amend them at any time:

AND WHEREAS the Supervisor of Elections has submitted such boundaries to the Minister charged with the responsibility for Local Government in accordance with section 17(2) of the said Local Government Act.

BE IT RESOLVED by the National Assembly of Saint Christopher and Nevis that the undermentioned boundaries as defined by the Supervisor of Elections be approved as follows:

- (a) Ward No. 1, comprising the entire Parish of St. Paul;
 - (b) Ward No. 2, comprising the entire Parish of St. Thomas, Lowland;
 - (c) Ward No. 3, comprising the entire Parish of St. James, Windward;
 - (d) Ward No. 4, comprising all that portion of the Parish of St. George, Gingerland bounded on the East by a line running through the middle of Business Ghaut from the sea where it meets the main road which runs through the island, thence Westward through the middle of the said road to its junction with the road into Clay Ghaut Estate, south along the Clay Ghaut Road skirting Maynard Hill southwesterly to the parish boundary, thence due West to Grandee Ghaut returning to the parish boundary north through the middle of Grandee Ghaut skirting and including the villages of Cox, Beaumont and Pond Hill on to the ruins of Zetland Estate;
 - (e) Ward No. 5, comprising all that portion of the parish of St. George, Gingerland bounded on the landward side by a line stretching from the sea through the middle of Business Ghaut to the main road running through the island westwards along the said road, south through the middle of the road into Clay Ghaut Estate skirting and including Maynard's Hill, southwesterly to the parish boundary thence South to the sea;
 - (f) Ward No. 6, comprising the entire parish of St. John, Figtree excluding the villages of Cox and Beaumont and the portion of Pond Hill falling within the Parish boundary.
-