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CHAPTER 80.

BO TOWN COUNCIL.

An Ordinance to make Further and Better Provision for Local Government in the Town of Bo and to create a Town Council therefor.

11 of 1954.
14 of 1956.
21 of 1956.
23 of 1957.
18 of 1959.

[23RD SEPTEMBER, 1954.]

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the Bo Town Council Ordinance. Short title.

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

“alien” means a person who is not a British subject, a British protected person or a citizen of the Republic of Ireland;

“annual value” means the amount at which the building can reasonably be expected to let in the open market in average years;

“assessed annual value” means the annual value of any building as entered in the Valuation Roll for the time being in force;

“assessed building” means any building which appears in the Valuation Roll for the time being in force;

“building” means any building whatsoever, and does not include the land on which such building is situated;

“ Chairman ” means the Chairman of the Council duly elected under section 5;

“ Councillor ” includes the President and the Chairman;

“ the District Commissioner ” means the District Commissioner of the Bo District;

“ house ” means any building which is used or is capable of being used as a dwelling place or for the purpose of trade;

“ Minister ” means the Member of Executive Council responsible for Internal Affairs;

“ occupier ” means a tenant, sub-tenant, or any person in the actual occupancy of any building;

“ owner ” includes joint owner, lessee, tenant for life, and any other person in the actual possession of or entitled to receive the rents of any building of any tenure or description, and the agent or attorney of such persons or any of them, and any other person who has an interest in or draws the rents;

“ President ” means the President of the Bo Town Council holding office as such by virtue of section 5;

“ street ” includes any highway and any public bridge and any road, lane, footway, square, court, alley and passage to which the public have access whether a thoroughfare or not;

“ Town Clerk ” means the person appointed as such by the Council under section 44.

Delimitation.

3. (1) The area of the town of Bo (hereinafter referred to as “ the Town ”) shall be as delineated from time to time by Order of the Governor.

Wards.

(2) The Town shall be divided, for the purposes of this Ordinance, into three wards which shall from time to time be delimited by Order of the Governor.

Saving.

(3) No delimitation made under the provisions of this section shall in any way affect the ownership of the land within any area so delimited.

PART II.—ESTABLISHMENT AND CONSTITUTION OF BO TOWN COUNCIL.

Establish-
ment of
Bo Town
Council.

4. (1) A Town Council (hereinafter referred to as “ the Council ”) shall be established for the Town.

(2) The Council shall be a body corporate by name of the Bo Town Council and shall have perpetual succession and may sue or be sued in the corporate name and hold such real and

personal property as may be necessary or expedient for carrying into effect the provisions of this or any other Ordinance applying thereto:

Provided that for the purposes of any Ordinance dealing with the acquisition of rights in and to the use of land within the Protectorate, the Council shall be deemed to be a non-native.

(3) The Council may, after giving six months notice in the *Gazette* of its intention so to do, have and use a common seal, and until the expiration of such notice duly given as aforesaid, the signatures of the President or the Chairman and two other members of the Council shall be deemed for all purposes of this Ordinance or of any other law to be the common seal of the Council, and all references in this or any other Ordinance to such seal shall be construed accordingly.

5. (1) The Council shall consist of thirteen Councillors, Constitution of the Council.
namely—

(a) the President, who shall be the Paramount Chief of the Kakua Chiefdom;

(b) two literate persons elected by each ward (hereinafter referred to as elected Councillors); 18 of 1956.

(c) a Medical Officer appointed by the Governor in Council;

(d) an Engineer appointed by the Governor in Council;

(e) one person, not being an alien, nominated by the Governor in Council to represent Mission interests;

(f) one person, not being an alien, nominated by the Governor in Council to represent Commercial interests;

(g) two literate persons appointed by the Tribal Authority of the Kakua Chiefdom after election by secret ballot by the members of the Tribal Authority.

(2) The Council shall elect one of the elected Councillors to be Chairman:

Provided that on the death, resignation, or removal from the Council of the Chairman during his term of Office, the Council shall elect a new Chairman. 18 of 1959.

(3) In the event of and during the illness or absence from duty of the Chairman, the Council may elect one of the elected Councillors to be Deputy Chairman with the full powers of the Chairman during such illness or absence from duty.

Terms of
office.
21 of 1956.

6. (1) Every elected Councillor shall hold office for four years and shall then retire but shall be eligible for re-election:

*

Provided that every elected Councillor shall retire on the date on which the first general election after the coming into operation of this section is held in accordance with the provisions of section 17 of this Ordinance:

*

Provided further that the elected Councillor from each ward who received the lesser number of votes at such general election shall retire on the thirty-first day of October, 1958, and the elected Councillor who received the greater number of votes at such general election shall retire on the thirty-first day of October, 1960, but, in either case shall be eligible for re-election:

And further provided that if it is impracticable to determine which of two Councillors should retire first as provided in the preceding proviso, then it shall be determined by the casting of lots in such manner and at such times and place as the Council shall direct.

(2) The nominated Councillors shall hold office during the pleasure of the Governor in Council for a period not exceeding four years as the Governor may direct but shall be eligible for re-nomination.

(3) Each Councillor appointed by the Tribal Authority shall hold office for a term of four years and shall then retire but shall be eligible for re-appointment:

21 of 1956.

*

Provided that every Councillor appointed hereunder shall retire on the date on which the first general election after the coming into operation of this section is held in accordance with the provisions of section 17 of this Ordinance, but shall be eligible for re-appointment:

*

Provided further that the first Councillor to be appointed after such general election shall hold office until the thirty-first day of October, 1960, and the second Councillor so appointed, until the thirty-first day of October, 1958:

And provided further that when a vacancy occurs before the expiry of a Councillor's term of office, the members of the Tribal Authority may, if they so desire, fill the vacancy for the remainder of the term, after which there shall be a fresh appointment.

* These provisos are deemed to have come into operation on 6th September, 1956 (section 1A of the Bo Town Council (Amendment) (No. 2) Ordinance, 1956).

7. The Chairman shall hold office from the date of his election until the 31st day of October of each year and shall then retire therefrom but shall be eligible for re-election:

Term of office
of Chairman.
18 of 1959.

Provided that the same person shall not hold office as Chairman for more than four consecutive terms.

8. (1) Subject to the provisions of sub-section (2) of this section, a person shall be qualified for election as a Councillor for any one ward if he—

Qualifications
of elected
Councillors.
21 of 1956.

(a) is literate in the English language; and

(b) is entitled to be registered as a voter under this Ordinance and his name is in the Register of Voters for any ward in the town.

(2) Notwithstanding the provisions of sub-section (1) of this section, a person shall be disqualified for election nomination or appointment as a Councillor and if a Councillor his seat shall become vacant—

Disqualifica-
tion for
membership
of Council.
14 of 1956.

(a) if he is an alien; or

(b) if and while he holds any office or place of profit in the gift or disposal of the Council other than that of President or Chairman; or

(c) if he is under sentence of death or is serving, or has within the immediately preceding five years completed the serving of, a sentence of imprisonment (including a sentence of preventive detention or corrective training) without the option of a fine, of or exceeding twelve months imposed by a court in Sierra Leone for any felony or for any offence involving dishonesty and has not received a free pardon; or

23 of 1957.

(d) if he is a lunatic so found under the laws for the time being in force in Sierra Leone; or

(e) if he has, directly or indirectly, by himself or a partner any share or interest in any contract or employment with, by or on behalf of the Council, and has not—

(i) if he is a candidate for election, published within one month before the day of election in some newspaper circulating in the ward for which he is a candidate, a notice setting out the nature of his share or interest in such contract or employment; or

(ii) if he is a Councillor, as soon as possible disclosed that interest to the Council, or

(f) if he is disqualified for membership of the Council under any law for the time being in force in Sierra Leone relating to offences connected with elections:

Provided that a person shall not be disqualified by reason of his being interested in—

(a) any sale, purchase or lease of any building to or from the Council; or

(b) any newspaper in which any notice or advertisement relating to the affairs of the Council is inserted; or

(c) any agreement with the Council for the loan of money, or any security for the payment of money by the Council; or

(d) any company which contracts with the Council for lighting or supplying water, or insuring against any risk; or

(e) any company incorporated by, or under, an Act of Parliament, Ordinance or Royal Charter.

When
Councillor's
seat to be-
come vacant.

(3) The seat of a Councillor shall also become vacant—

(a) upon his death; or

(b) if, by writing addressed to the Chairman, he resigns his seat in the Council; or

(c) if, without leave of the Chairman, he is absent for a period of three consecutive months from the meetings of the Council; or

(d) if, being an elected Councillor, he ceases to be qualified under sub-section (1) of this section.

(4) When the seat of a Councillor becomes vacant the Chairman shall forthwith declare the seat of such member to be vacant, and shall forthwith notify the Minister and such Councillor, if practicable, of such declaration of vacancy:

Provided that a Councillor whose seat shall have been declared vacant under this sub-section may, within fourteen days after the date of being notified of such declaration, apply to a Judge in Chambers to have such declaration set aside. Notice of the intention to make such application and the grounds thereof shall be given to the Town Clerk within seven days after such declaration. The Order of the Judge in Chambers as to the disqualification or otherwise of the Councillor shall be final and conclusive.

9. If at any time the Governor in Council is of the opinion that the Council is no longer exercising any of its powers or performing any of its duties under this Ordinance in a manner conducive to the welfare of the Town, he shall issue a Commission of Inquiry in accordance with the Commissions of Inquiry Ordinance (such Commission to consist of not fewer than three Commissioners, one of whom shall possess legal qualifications), to enquire into and report on such matter in accordance with the procedure laid down in the said Ordinance, and after receiving the report of the Commissioners, may appoint a Committee of Management to exercise, during the continuance of such appointment, all or any specified powers and duties of the Council and the Council shall forthwith cease to exercise and perform such powers and duties accordingly.

Power of Governor in Council to appoint Committee of Management.
Cap. 54.

PART III.—VALUATION OF BUILDINGS.

10. There shall be liable to be assessed in accordance with the provisions of this Part all buildings (including buildings owned by or in the occupation of the Council) within the Town, except—

Assessment of buildings.

(a) any church, chapel, mosque, meeting-house or other premises exclusively used for public religious worship;

(b) buildings used exclusively as a hospital and not so used for purposes of gain;

(c) buildings used principally as a university, college, school or Sunday school and not so used for purposes of gain;

(d) buildings on burial grounds and crematoria;

(e) buildings declared by resolution of the Council with the approval of the Governor in Council to be exempted from assessment.

11. (1) The Council shall as soon as may be after the first election to be held under this Ordinance and thereafter in the month of November in every year appoint, subject to the prior approval of the Minister, one or more competent persons to be called valuers at such remuneration, to be paid from the revenue of the Council, as it may think fit.

Appointment of valuers and Assessment Committee.
18 of 1959.

(2) The Council shall before the first day of June in the year immediately following the year in which this section comes into force, and thereafter from time to time as may be necessary, appoint an Assessment Committee consisting of the Chairman, and two members of the Council. The Assessment Committee

shall be deemed to be properly constituted whenever a majority of the members are present at a duly convened meeting thereof.

(3) Valuation Lists showing the assessed annual value of all buildings assessable under section 10 shall be prepared by the valuers and approved by the Assessment Committee in accordance with the provisions contained in Part I of the First Schedule hereto.

Deposit and inspection of Valuation Lists and Rolls.

12. (1) The first Valuation List prepared under the provisions of this Ordinance shall be deposited in the office of the District Commissioner as soon as may be after this Part of this Ordinance and Part I of the First Schedule thereto have come into force and thereafter a Valuation List shall be deposited in the office of the Town Clerk on or before the first day of August in every year, and the Town Clerk shall forthwith publish a notice of the deposit thereof:

Provided that the Valuation List due to be deposited on or before the first day of August, 1959, shall be deposited on or before the first day of December, 1959.

(2) Any person owning or in the occupation of or interested in any assessable building shall be entitled to inspect the Valuation List or Roll and to take copies thereof and extracts therefrom on payment of the fee prescribed in the First Schedule.

Objections to Valuation Lists and Rolls.

13. Objections to and amendments of any Valuation List or Roll shall be determined and made in accordance with the provisions of Part I of the First Schedule hereto.

Valuation Roll to subsist until superseded.

14. Every Valuation Roll shall remain in force until a new Valuation List has been deposited in its stead.

PART IV.—REGISTRATION OF VOTERS.

Qualifications of voters.
21 of 1956.

15. (1) Subject to the provisions of sub-section (3) of this section, every person whether male or female shall be entitled to be registered as a voter for any one ward and when registered to vote at the election of a Councillor for that ward, who—

(a) has attained the age of twenty-one years; and either

(b) (i) has been ordinarily resident in that ward during the whole of the six months immediately preceding the date of registration; and

(ii) is in receipt of a yearly income of at least sixty pounds; or

(c) is, and has been for the six months immediately preceding the date of registration the owner or occupier (jointly or severally) of any house, warehouse, counting house, shop, store or other building (in this Ordinance referred to as qualifying property) in the ward of which the annual assessed value is not less than two pounds (provided that where any persons are shown to be joint occupiers of any qualifying property, the names of such persons shall only be placed on the list of registered voters if the annual assessed value of such qualifying property, divided by the number of joint occupiers, is not less than two pounds).

(2) Both an owner and an occupier and both a husband and a wife may qualify in respect of the same property. 14 of 1956.

(3) Notwithstanding the previous provisions of this section, no person shall be registered as a voter or, having been registered, shall be entitled to vote at the election of a Councillor—

(a) if he is an alien; or

(b) if he is a lunatic so found under the laws for the time being in force in Sierra Leone;

(c) if he is disqualified from being registered as a voter of voting under any law for the time being in force in Sierra Leone relating to offences connected with elections; or

(d) if he is serving a sentence of imprisonment.

16. (1) The Minister may from time to time and as often as he may deem necessary appoint fit and proper persons to be Registration Officers and Revising Officers to prepare and publish, or to revise, as the case may be, registers of voters in the manner prescribed by regulations made under this Ordinance. Appointment
of Registration
Officers
and Revising
Officers.
14 of 1956.

(2) Registration Officers and Revising Officers shall comply with any general or special directions not inconsistent with this Ordinance or the regulations made thereunder which may be given by the Minister with respect to the arrangements to be made by such officers for carrying out their registration and revising duties under this Ordinance.

(3) Registration Officers may with the approval of the Minister appoint fit and proper persons to be Assistant Registration Officers to assist them in the preparation of the register of voters in accordance with Regulations made under this Ordinance. Appointment
of Assistant
Registration
Officers.

(4) Subject to the authority direction and control of the Registration Officer, an Assistant Registration Officer shall

have all the powers and may perform any of the duties of a Registration Officer under this Ordinance.

General
elections,
14 of 1956.*

17. On such date after the coming into operation of this section as the Minister may by Order declare, all members of the Council shall retire, and there shall be held a general election of the elected members of the Council in accordance with the provisions of this Ordinance, and thereafter an election to fill vacancies caused by the retirement of those elected Councillors whose term of office has expired shall be held on such date as the Minister may by Order declare in the year in which such vacancies occur.

Bye-elections.

18. When through any cause other than retirement at the expiration of a term of office, a vacancy occurs among the elected Councillors, the Council shall appoint and notify to the Town Clerk the day for the holding of an election to fill such vacancies:

Provided that where the vacancy is caused by the death, retirement or disqualification of an elected Councillor whose unexpired term of office is less than six months, an election to fill the vacancy shall not be held unless the Council so directs.

Regulations
as to
elections.
14 of 1956.

19. Subject to the provisions of this Ordinance, the Governor in Council after consultation with the Council, may make regulations for the election of elected members of the Council, including, without prejudice to the generality of the foregoing power, the following matters, that is to say—

- (a) the registration of voters and the revision of the registers of voters;
- (b) the ascertainment of the qualifications of voters and of candidates for election;
- (c) the method of nominating candidates;
- (d) the holding of elections and the method of voting; and
- (e) election petitions.

Election valid
unless
questioned
within fifteen
days.

20. Every election not called in question within fifteen days after the publication of the result thereof in the *Gazette* shall be deemed to have been to all intents a good and valid election.

* The section, inserted by No. 14 of 1956, came into operation on the 6th September 1956. (P.N. 83 of 1956.)

PART VI.—ELECTION OFFENCES.

21. (1) Any person who attempts to prevent, obstruct or disturb any election by force, violence or threats shall be guilty of an offence and liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding two years.

Prevention of election by force.

(2) Any person who, at a lawful public meeting held in connection with the election of any person to the Council, between the date of publication of the notice appointing a day for the holding of an election under regulations made under section 19 of this Ordinance and the date on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice and shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months, and shall be incapable during a period of five years from the date of his conviction, of voting at any election of an elected member of the Council.

Interference with lawful public meeting to be an illegal practice.

14 of 1956.

22. Any person who makes a false answer to any questions lawfully put to him in pursuance of the provisions of any regulations made under section 19 of this Ordinance, knowing it to be false or not believing it to be true, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months or to both such fine and imprisonment.

Penalty for false answer.
14 of 1956.

23. Any person who, being a Presiding Officer charged with the counting of votes or the making of a return at any election, wilfully falsifies the account of such votes or makes a false return shall be guilty of an offence and liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding five years.

Falsification of return at election.

24. Any person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers, to any person or authority to whom nomination papers are required, under the provisions of any regulations made under section 19 of this Ordinance, to be delivered, any nomination paper knowing the same to be forged; or

Offences in respect of nomination papers, etc.
14 of 1956.

(b) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(c) without due authority, supplies any ballot paper to any person; or

(d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(e) fraudulently takes out of any place of voting or place of election any ballot paper; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months or to both such fine and imprisonment. Any attempt to commit an offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

Personation.

25. Any person who at an election held under this Ordinance votes or attempts to vote in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any such election, votes or attempts to vote at the same election in his own name shall be guilty of the offence of personation, and every person so guilty or who is guilty of the offence of aiding, abetting, counselling or procuring the said offence, shall be liable, on summary conviction, to imprisonment, with or without hard labour, for a period not exceeding six months.

Treating.

26. (1) Any person who corruptly by himself or by any other person, either before, during or after an election held under this Ordinance, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to give or refrain from giving his vote at such election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting, at such election, shall be guilty of the offence of treating and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds.

(2) Every voter who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of

the offence of treating and shall be liable, on summary conviction, to the penalty specified in the preceding sub-section.

27. Every person who, directly or indirectly, by himself, or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election held under this Ordinance, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any voter or thereby compels, induces or prevails upon any voter, either to give or refrain from giving his vote at any such election, shall be guilty of the offence of undue influence and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds.

Undue
influence.

28. (1) The following persons shall be deemed guilty of the offence of bribery and shall be liable, on summary conviction, to a fine not exceeding twenty-five pounds—

Bribery.

(a) every person who, directly or indirectly, by himself or any other person on his behalf, gives, lends, agrees to give or lend, offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election under this Ordinance;

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, procures, agrees to give or procure, offers, promises or promises to procure or to endeavour to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at an election under this Ordinance;

(c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as an

elected Councillor, or the vote of any voter at an election under this Ordinance;

(d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as an elected Councillor, or the vote of any voter at an election under this Ordinance;

(e) every person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election under this Ordinance, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election:

Provided always that the provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for on account of any legal expenses *bona fide* incurred at or concerning any election.

(2) The following persons shall also be deemed guilty of the offence of bribery and shall be liable, on summary conviction to the penalty specified in the preceding sub-section—

(a) every voter, who before or during any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan, valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;

(b) every person who, after any election under this Ordinance directly or indirectly, by himself or by any other person on his behalf, receives any money, gift, loan, valuable consideration, office, place or employment for himself or for any other person, on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election.

Disqualifica-
tion for
personation,
etc.

29. Every person who is convicted of personation, treating, undue influence or bribery, or of aiding, counselling or procuring the commission of the offence of personation, shall, in addition to any other punishment, be incapable during a period of seven years from the date of his conviction—

(a) of being registered as a voter or voting at any election of a Councillor;

(b) of being elected a Councillor or, if elected before his conviction, of retaining his seat as a Councillor.

30. Every person who—

Penalty for certain illegal practices.

(a) votes, or induces or procures any person to vote at any election under this Ordinance, knowing that he or such other person is prohibited by this Ordinance or by any other law from voting at such election;

(b) before or during an election under this Ordinance knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;

shall be guilty of an illegal practice and shall be liable, on summary conviction, to a fine not exceeding fifty pounds and be incapable during a period of five years from the date of his conviction, of being registered as a voter or voting at any election of a Councillor for the ward in which the illegal practice was committed.

31. (1) Every conveyance or transfer of property whatsoever to any person in any fraudulent or collusive manner for the purpose of qualifying him to become a Councillor or a voter under this Ordinance shall be deemed and taken as against the parties thereto to be valid and absolute, and every bond, covenant, collateral or other security, contract or agreement, between or with such parties, or any of them, for a reconveyance or transfer or for the revoking, annulling, defeating or otherwise doing away with the effect of such conveyance or transfer, shall be null and void to all intents and purposes whatsoever.

Fraudulent transfers of property.

(2) Every party to a conveyance or transfer of property of the nature described in the preceding sub-section and every person who, by colour thereof or by means thereof, shall give any vote at any election under this Ordinance, or sit in the Council, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds, and, if a Councillor, his seat shall forthwith become vacant.

32. (1) Every officer, clerk and agent in attendance at a polling place shall maintain, and aid in maintaining, the secrecy of the voting in such place and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the Voters List of any voter who has or has not voted at that place, or as to the official mark.

Infringement of secrecy.

(2) No such officer, clerk, agent or other person whatsoever shall interfere with or attempt to interfere with a voter when making his vote or communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter in such place is about to vote or has voted.

(3) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate to any other person any information obtained at such counting.

(4) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and liable, on summary conviction, to imprisonment, with or without hard labour, for a period not exceeding six months.

Property of
election
material
vested in
Town Clerk.

33. In any prosecution for an offence in relation to the nomination papers, marking instruments and other things in use at an election, the property in such papers, instruments and things, as well as the counterfoils, may be stated to be vested in the Town Clerk.

PART VII.—ELECTION PETITIONS.

Presentation
of election
petition.

34. A petition complaining of an undue return or undue election of a Councillor (in this Ordinance called an “election petition”) may, at any time within fifteen days of the publication of the result of such election in the *Gazette*, be presented to the Supreme 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; or

(b) some person who claims to have had a right to be returned or elected at such election; or

(c) some person who alleges himself to have been a candidate at such election.

Trial of
election
petition.
14 of 1956.

35. (1) Every election petition shall be tried by a Judge of the Supreme Court in open court.

(2) At the conclusion of the trial, the Judge shall determine whether the Councillor whose return or election is complained of, or any other and what person was duly returned or elected, or whether the election was void, and shall certify such determination to the Minister, and a copy of such certificate shall be sent by the Registrar of the Court to the Town Clerk, and upon such certificate being given, such determination shall be final;

and the return shall be confirmed or altered, or a new election shall be held, as the case may require, in accordance with such certificate.

(3) The Minister shall declare, by notification in the *Gazette*, whether the candidate whose return or election is questioned, or any or what other person, is duly returned or elected, or whether the election is void.

(4) If the election is declared void, the Minister shall by order appoint another date for the election of a Councillor or Councillors for the ward concerned.

(5) The House of Representatives Election Petition Rules * shall apply, *mutatis mutandis*, to election petitions presented to the Supreme Court under this Ordinance.

36. (1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected. Corrupt practice.

(2) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

(3) The expression "corrupt practice" means any of the following offences, namely, personation, treating, undue influence or bribery.

37. (1) At the time of presenting an election petition or within three days afterwards, the petitioner shall give security for all costs, charges and expenses which may become payable by him to any witness summoned on his behalf or to any respondent. Security for costs.

(2) The security shall be to such amount not exceeding seventy-five pounds as the Supreme Court on summons may direct and shall be given either by a deposit of money or by recognisance entered into by not more than four sureties or partly in one way and partly in the other.

PART VIII.—MEETINGS OF THE COUNCIL.

38. (1) The Council may from time to time make, amend or revoke Standing Orders not inconsistent with the provisions of this Ordinance to regulate the proceedings of the Council. Standing Orders.

(2) Until amended or revoked by Standing Orders made under the preceding sub-section, the Standing Orders contained in Part II of the First Schedule hereto shall be in force.

* These Rules are printed with the subsidiary legislation of Chapter 7 (Courts).

(3) The Standing Orders for the time being in force shall at all times be followed and observed, and shall be binding upon the Council.

Committees.

39. (1) The Council may from time to time, out of its number, appoint such and so many committees either of a general or special nature and consisting of such number of Councillors as it shall think fit for any purpose which the Council may think would be better regulated or managed by means of such committees:

Provided that the proceedings of every such committee shall except as otherwise provided in the Standing Orders of the Council, be submitted to the Council for approval and shall be subject to such approval.

(2) A committee may co-opt additional members but any such member who is not a Councillor shall not be entitled to vote on any matter before the committee.

Minutes of Council meetings.

40. (1) Minutes shall be kept of every meeting of the Council and any such minutes which purport to have been approved by such Council or committee and are signed by the presiding Member thereof shall be *prima facie* evidence of the matters referred to therein and shall be received in evidence without further proof.

(2) Certified copies of the minutes of every meeting of the Council shall be sent to the District Commissioner and the Minister.

Acts of Council valid despite vacancies.

41. No act or proceeding of the Council or any committee thereof shall be questioned on account of any vacancy in their body or on the ground that a Councillor to be elected or appointed has not been elected or appointed.

Member interested not to take part in proceedings.

42. (1) No Councillor shall vote or take part in the discussion of any matter before the Council or any committee thereof in which he has directly or indirectly by himself, his wife or partner, any pecuniary interests or in which a company of which he is a shareholder has any such pecuniary interests; and no Councillor shall receive any salary or shall accept any fee or reward whatsoever for or on account of anything done or to be done by him by virtue of this Ordinance, or on any account whatsoever relating to this Ordinance:

Provided that nothing in this section contained shall debar the Chairman from receiving any remuneration for his services under section 77.

(2) Where any officer of the Council or any Councillor has directly or indirectly by himself, his wife or partner, any interest in any contract or offer to contract which is under consideration by the Council such officer or Councillor shall disclose his interest therein to the Council.

Disclosure of interest.

43. (1) Proceedings may be instituted in the Supreme Court against any person acting as a member of the Council, on the ground of his being disqualified under this Ordinance from so acting, by any person who is a registered voter within the Town:

Proceedings in respect of qualification.
14 of 1956.

Provided that proceedings under this section shall not be instituted after the expiration of six months from the date on which he so acted.

(2) Where in proceedings under this section it is proved that the defendant has acted as a member of the Council, while disqualified from so acting, then the Court shall have all or any of the following powers—

(a) to make a declaration to that effect and to declare that the seat of the defendant in the Council is vacant;

(b) to grant an injunction, restraining the defendant from so acting;

(c) to order that the defendant shall forfeit to Her Majesty such sum as the Court may think fit, not exceeding fifty pounds for each occasion on which he so acted while disqualified.

PART IX.—OFFICERS OF THE COUNCIL AND ACCOUNTS.

44. (1) The Council may from time to time appoint, subject to the prior approval of the Minister, a Town Clerk, a Treasurer, a Surveyor, a Sanitary Inspector, a Town Bailiff and such other officers as it may deem necessary and may at any time in its discretion terminate such appointments, subject to the terms of any contract of employment.

Appointment of officers.
18 of 1959.

(2) A person shall for as long as he is, and for twelve months after he has ceased to be, a member of the Council be disqualified from being appointed by the Council to any paid office.

45. The Town Clerk shall have charge and custody of and be responsible for all books, deeds, records and other documents and these shall be kept as the Council shall direct.

Custody of records.

46. The Town Bailiff, whilst in the performance of or execution of the duties of his office, shall have the like powers,

Town Bailiff.

privileges and immunities as a Sheriff appointed under the Sheriff's Ordinance.

Cap. 10.

Security. **47.** The Council may require an officer of the Council to give such security as it may think proper for the due execution of his duties.

Officers to render accounts when directed.

48. Every officer of the Council shall, at such times and in such manner as the Council may direct, deliver to the Council a true account in writing of all matters committed to his charge, and of his receipts and payments, with vouchers and a list of persons from whom money is due in connection with his office, showing the amount due from each person; and every such officer shall pay all money due from him to the Treasurer.

Appointment of Government officer as an officer of the Council.

49. The Governor in Council may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government to any office under the Council:

Provided that, as respect pensions and other rights as an officer of the Government, such officer shall be deemed to be in the service of the Government whilst so employed:

Provided further that, whenever any pension, gratuity or retiring allowance is granted to any such officer, the Council shall, if so required, pay to the Government an annual or lump sum, which shall bear the same proportion to such pension, gratuity or retiring allowance, as the case may be, as the period during which such officer has been in the employment of the Council bears to his total pensionable service under the Government.

Accounts and audit.

50. (1) The Council shall cause to be kept true accounts in accordance with such instructions as the Minister may issue from time to time. Such accounts together with all books, vouchers and papers relating thereto, and together with a balance sheet, shall be laid as soon as possible after the close of each financial year before an Auditor appointed by the Governor. The Auditor shall make and sign a report on such accounts and balance sheet; and a duplicate copy of the report and balance sheet shall be sent to the Minister who shall cause them to be published in the *Gazette*.

(2) The Council shall permit the Auditor to check any cash in its possession and to have access to its accounts and all books, vouchers and papers relating thereto at any time during the usual office hours.

(3) The original balance sheet and the accounts in full and the Auditor's report thereon shall be open to inspection at the office of the Town Clerk during office hours by any person whose name appears upon the Voters List on payment of a fee of one shilling.

51. (1) Any person authorised in writing by the Minister shall at all reasonable times have access to and be entitled to inspect all books, documents, moneys, works, stores, contract and supplies of the Council, may require explanations thereon from any officer or employee of the Council, may give advice thereon to the Council, may submit reports thereon to the Minister and may draw the attention of the Auditor to any financial irregularities which come to his notice during the exercise of any of his aforesaid powers.

Powers of
inspection.
18 of 1959.

(2) The Minister shall, unless for any special reason he deems it not to be in the public interest to do so, as soon as possible furnish a copy of any report submitted to him under sub-section (1) of this section to the Chairman for the information of the Council.

52. For the purpose of any audit under this Ordinance, the Auditor may, by summons in writing require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts or other documents or papers to appear before him at any such audit or any adjournment thereof and to make and sign a declaration as to the correctness of the same; and, if any such person neglects or refuses to comply with any such summons or requirements in any respect, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding two pounds in respect of every such neglect or refusal.

Power of
Auditor to
call for books.

53. (1) The Auditor acting in pursuance of section 50 shall disallow every item of account contrary to law and shall certify the amount of any deficiency or loss incurred by the misconduct of any person or of any sum which ought to have been but is not brought into account by any person. The Auditor shall surcharge the amount on the person who has made or authorised the making of the illegal payment or whose default has caused the deficiency or loss or failure to bring to account, as the case may be. On application by any party aggrieved, the Auditor shall state in writing the grounds upon which his certificate is based, and also of any disallowance which he may have made.

Power of
Auditor to
surcharge
illegal
payments.

Appeals
against
decision of
Auditors.

(2) (i) Any person who is aggrieved by any surcharge or disallowance as aforesaid may, where the disallowance or surcharge relates to an amount exceeding one hundred pounds, appeal to the Supreme Court, and may, in any other case appeal either to the Supreme Court or to the Governor in Council:

Provided that any such appeal shall be made within fourteen days of the person being notified of the surcharge or disallowance, or within such further period, as the Court or Governor in Council as the case may be, may allow.

(ii) The Court or Governor in Council on such appeal shall have power to confirm, vary or quash the decision of the Auditor and to remit the case to the Auditor with such directions as the Court or Governor in Council thinks fit for giving effect to the decision on appeal.

(iii) Where an appeal is made to the Governor in Council under this sub-section, he may at any stage of the proceedings, state in the form of a special case for the opinion of the Supreme Court any question of law arising in the course of the appeal.

Applications
for relief.

(3) (i) In the case of a surcharge, the person surcharged may, whether or not he appeals under the immediately preceding sub-section apply to the tribunal (whether the Supreme Court or the Governor in Council) to whom he appealed, or if he does not appeal, the tribunal (whether Supreme Court or Governor in Council) to whom he might have appealed, for a declaration that in relation to the subject matter of the surcharge he acted reasonably, or in the belief that his action was authorised by law, and the Court or Governor in Council, if satisfied that there is proper ground for so doing, may make a declaration to that effect.

(ii) Where such a declaration is made, the Court or the Governor in Council may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge, and the decision of the Court or the Governor in Council shall be final.

(iii) Any application for relief under this sub-section shall be made within fourteen days of the person being notified of the surcharge, or within such further period as the Court or the Governor in Council, as the case may be, may allow.

Power of
Town Clerk
to sue for
recovery of
payments
surcharged.

(4) (i) When the Court or Governor in Council acting under the powers conferred by sub-section (2) (ii) of this section confirms or varies the decision of the Auditor, or where no appeal or application has been made in accordance with the immediately preceding sub-sections against the amount surcharged by the Auditor, and the amount surcharged or the

amount surcharged as varied, or any amount of which a person surcharged is not relieved in accordance with sub-section 3 (ii) of this section, is not made good to the Council, to the satisfaction of the Auditor within fourteen days of the decision of the Court or Governor in Council as the case may be, or, where no appeal or application as aforesaid has been made, within fourteen days of the date of the surcharge by the Auditor, the amount shall, on complaint made, or action taken by the Town Clerk in the name and on behalf of the Council, be recovered either summarily or otherwise, as a civil debt.

(ii) In any proceedings for the recovery of such an amount, a certificate signed by the Auditor shall be conclusive evidence of the facts certified, and a certificate signed by the Treasurer that the amount certified to be due has not been paid to him shall be conclusive evidence of non-payment, unless it is proved that the amount certified to be due has been paid since the date of the certificate.

Unless the contrary is proved, a certificate purporting to be signed by the Auditor or the Treasurer shall be deemed to have been signed by the Auditor or Treasurer, as the case may be.

(5) If it does not appear from the minutes of the Council which Councillors concurred in any particular expenditure, every Councillor shall be deemed to have concurred until he proves the contrary.

PART X.—POWERS AND DUTIES OF THE COUNCIL.

54. Within the Town, the Council shall have and exercise all the rights, powers and duties conferred or imposed upon the Council by this or any other Ordinance.

Powers and
duties of
Council.

55. The Governor in Council may by Order direct that the Council shall be the authority for carrying out and executing within the Town the provisions of such Ordinances as may be mentioned in such Order, and in such case the Council shall have and exercise all the powers, rights, duties, capacities, liabilities and obligations within the Town exercisable by the Governor or any officer under and by virtue of the provisions of such Ordinance, subject to such limitations, restrictions or modifications as may be prescribed by the Order:

Powers of
Governor and
other officers
under other
Ordinances
may be
vested in the
Council.

Provided that, notwithstanding any such Order, the Governor may exercise or authorise any officer to exercise any of the powers conferred upon the Governor or such officer by any such Ordinance, if it should appear to the Governor that the Council is neglecting or has refused or neglected to perform or exercise

any of the duties or powers imposed or conferred by such Ordinance:

Provided further that no such Order shall be deemed to authorise or empower the Council to exercise any power or to perform any duty vested in or imposed upon the Governor in Council or to make any rules under an Ordinance.

Annual
estimates.

56. (1) As soon as may be after the first election to be held under this Ordinance, and thereafter on or before the thirty-first day of October in each year, the Council shall prepare estimates of the anticipated revenue from all sources, and of the sums required to meet the expenses, during the following financial year.

(2) In case the estimated revenue would otherwise be insufficient to meet the estimated expenditure, it shall be lawful for the Council to provide in the estimates for the imposition of a rate in accordance with the provisions in that behalf contained in Part XIV.

(3) A certified copy of the estimates shall forthwith be sent to the Minister for the consideration of the Minister who may approve or disapprove such estimate in whole or in part or may before approving the estimates amend them in any particular.

(4) The estimates when approved by the Minister shall be the estimates of revenue and expenditure for the financial year for which they are made, and no expenditure shall be incurred otherwise than in accordance therewith save with the written approval of the Minister first obtained. Such approval may be either general and subject to such conditions as the Minister may determine, or in respect of specified items in the estimates.

(5) The approved estimates shall be open to inspection to any person whose name appears in the Voters List at the offices of the Town Clerk.

Duties of
Council.

57. It shall be the duty of the Council—

(a) to provide for the cleaning and maintenance of all public roads, streets, lanes, bridges and culverts;

(b) to provide and maintain markets and slaughter-houses;

(c) to provide and maintain public cemeteries and to provide graves;

(d) to provide and maintain public conveniences, dustbins and other sanitary structures and to arrange for the removal of refuse;

(e) to provide and maintain a Town Hall and the necessary offices for the Council and its officers;

(f) to perform any other duties which may be prescribed by Order of the Governor in Council.

58. It shall be lawful for the Council—

Powers of the Council.

(a) to impose and take stallages, rents, tolls or fees in respect of the use by any person of any market, slaughter-house, cattle warri or pound or of any other property belonging to or provided by the Council;

(b) to issue licences under Part XII of this Ordinance;

(c) to provide and maintain fire-fighting equipment and to undertake the abatement of fire and the prevention of the spreading thereof and for such purposes to enter any land or building;

(d) to provide for the establishment, management, layout, planting, improvement, maintenance and regulation of parks, gardens and other places of public resort or recreation for the use of the public, and to contribute to the cost of maintenance of any parks, gardens and other places of public resort or recreation provided by persons for the use of the public;

(e) to provide and maintain a street lighting system;

(f) to plant and protect trees in any public place;

(g) to regulate bathing in any inland water, and to provide public bathing facilities;

(h) to provide and maintain libraries, cattle warris, pounds and vehicle parks;

(i) with the approval of the Governor in Council, to engage in any form of public undertaking, trading or industry;

(j) to cause the names of all public roads, streets, lanes and squares to be affixed therein, and to cause the houses in such public roads, streets, lanes and squares to be numbered;

(k) to provide and maintain public water supplies; and

(l) to do any other things which may be prescribed by Order of the Governor in Council.

59. Nothing in this Part contained shall operate to affect, alter or derogate from the ordinary or special statutory or other lawful powers or functions of any Force lawfully engaged in carrying out police duties within the Town, whether such powers or functions are exercisable under the provisions of any Ordinance to which the Council is authorised under section 55 to give effect, or otherwise.

Powers of police not to be affected.

PART XI.—COUNCIL'S PROPERTY AND CONTRACTS.

Council may
acquire
property.

60. The Council may acquire such movable and immovable property and buildings as may be necessary or expedient for carrying into effect the provisions of this Ordinance or of any other Ordinance to which the Council is authorised under section 55 to give effect, but the Council shall not sell, mortgage, lease or otherwise alienate or dispose of any immovable property or buildings so acquired without the previous written consent of the Governor in Council.

Borrowing at
interest.

61. (1) The Council may, with the previous written consent of the Governor, borrow at interest on the security of any corporate property or any funds of the Council or the rate or of all or any such securities, such moneys as in the opinion of the Council may be required for any of the following purposes—

- (a) for acquiring any interest in land or buildings;
- (b) for erecting buildings;
- (c) for the execution of any permanent work; or
- (d) for any other purpose for which capital expenditure is required.

(2) The Governor may in his discretion attach any conditions to his consent given under the preceding sub-section.

Investment
of funds.

(3) The Council may invest the funds of the Council in such stocks as may be approved by the Secretary of State for the investment of Colonial funds and in such other manner and to such extent as the Governor in Council may from time to time approve.

Powers of
Governor in
Council to
impose con-
ditions as to
repayment of
money
borrowed.

62. (1) Where the Governor in Council approves a mortgage or charge he may, as a condition of his approval, require that the money borrowed on the security of the mortgage or charge be repaid, with all interest thereon, in fifty years or any less period and either by instalments or by means of a sinking fund or both.

(2) Where the Governor in Council imposes a condition under the preceding sub-section, the sums required for providing for the repayment of the principal of and the interest on the money borrowed shall be, by virtue of this Ordinance, a charge on all or any of the following securities, namely, the land or buildings comprised in the mortgage (without prejudice to the security thereby created), or any such other corporate land, buildings, or moneys or the rate or any part thereof respectively, as the Governor in Council may direct.

63. Where money borrowed is directed to be repaid by means of a sinking fund, the Council shall, out of the rents and profits of the lands or buildings on which, or out of the revenue of the Council or the rate on which the sums required for the sinking fund are charged under this Ordinance, invest such sums at such times and in such manner as the Governor in Council may direct and may from time to time, with the like direction, alter or change any such investment.

Sinking fund.

64. Where purchase money or compensation has been paid in respect of land, buildings or any interest therein purchased or taken from the Council, or in respect of permanent damage to land belonging to the Council, and the Minister approves of the payment of the money or compensation to the Council, the Minister may, as a condition of his approval, require provision to be made for investing a sum equivalent to the amount of money so paid.

Investment of purchase or compensation money.

65. Where the Governor in Council approves of the sale or exchange of any corporate land or buildings or of any interest therein, such approval may be subject to such conditions as he thinks fit in relation to the investment for the benefit of the Council of the money arising from the sale or exchange.

Investment of proceeds of sale or exchange.

66. The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Ordinance or of any other Ordinance to which the Council is authorised under section 55 to give effect, subject to the following conditions—

Contracts by the Council.

(a) no contract the value whereof exceeds two hundred and fifty pounds shall be entered into without the previous written consent of the Minister;

(b) every contract, whereof the value exceeds one hundred pounds, shall be in writing and shall, subject to sub-section (3) of section 4, be sealed with the common seal of the Council;

(c) every contract shall specify the work, materials, matters or things to be furnished, had or done, the price to be paid, and the time or times within which the contract is to be performed and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed;

(d) before contracting for the execution of any works, the Council shall obtain an estimate in writing of the probable expense of executing the work in a substantial manner; and

(e) before any contract of which the value exceeds fifty pounds is entered into, public notice shall be given describing the nature and purpose thereof and inviting tenders for the execution of the work so described and the Council shall require and take sufficient security for the due performance of the contract:

Provided that where the value of the contract exceeds one hundred pounds, the public notice shall specify a period of not less than two weeks during which tenders may be made.

Use of
common seal.

67. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution in that behalf passed at a duly constituted meeting of the Council and recorded in the minutes.

(2) Until a common seal has been brought into use in accordance with the provisions of sub-section (3) of section 4, the provisions of sub-section (1) of this section shall apply *mutatis mutandis* to the signing of any document as provided in sub-section (3) of section 4.

PART XII.—LICENCES.

Licences for
trades, etc.

68. It shall be unlawful for any person to exercise, carry on or practise in the Town any of the trades, businesses or professions set forth in Part I of the Second Schedule hereto without first having taken out a licence for that purpose and paid for such licence the fees therein set forth.

Licences for
certain
vehicles.

69. It shall be unlawful for any person to use in any public place within the Town any vehicle mentioned in Part II of the Second Schedule hereto without first having taken out a licence for such vehicle and paid for such licence the fees therein set forth:

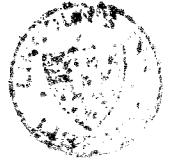
Provided that it shall not be necessary for licences to be taken out for any vehicle belonging to the Imperial or Colonial Governments, or to a foreign state for the use of a consular establishment where the Governor certifies that reciprocal privileges are enjoyed by British consular establishments in the territories of such foreign state.

Licences for
entertain-
ments.

70. It shall be unlawful for any person to do in the Town any of the acts or things mentioned in Part III of the Second Schedule without first having taken out a licence for that purpose and paid for such licence the fees therein set forth.

71. (1) Every licence taken out under this Ordinance shall be subject to the conditions and restrictions imposed by any bye-laws made in respect thereof, and also to any conditions or restrictions which are authorised by any such bye-laws and are specified on the licence.

Licences subject to bye-laws and conditions.



(2) Any person who fails to comply with any condition or restriction imposed or specified under the preceding sub-section shall be guilty of an offence against this Ordinance.

72. (1) Every licence required under the provisions of this Ordinance may be obtained on application to the Treasurer at the offices of the Council and he is hereby authorised to issue such licence upon payment of the fee prescribed in the Second Schedule hereto.

Issue and duration of licences.

(2) Licences issued under this Ordinance may be yearly half-yearly or quarterly as prescribed in the Second Schedule hereto and every such licence shall bear the date of, and commence on the day of its issue, and shall expire in the case of—

(a) a yearly licence, on the thirty-first day of December in each year;

(b) a half-yearly licence, on the thirtieth day of June or the thirty-first day of December in each year;

(c) a quarterly licence, on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September or the thirty-first day of December in each year:

Provided that a licence may be granted under Part III of the Second Schedule for a single entertainment.

73. (1) Every hawker or pedlar of manufactured goods shall, in addition to his licence, be supplied with a certificate which shall bear the name of the licence, the number of his licence and the dates of issue and expiration thereof.

Hawkers and pedlars.

(2) Every hawker or pedlar shall carry with him the certificate issued to him under the preceding sub-section and shall produce it, on demand, to any officer of the Council or to any Police Officer, who may detain the wares carried by such hawker or pedlar until such time as he shall either produce his licence or certificate or give his full name and address.

(3) It shall be lawful for the Council to sell any wares detained under the preceding sub-section if, within seven days of their detention, the owner has not claimed and removed them, and all expenses incurred by the Council in respect of the detention or sale of such wares shall be deducted from the

proceeds of such sale, and any part of the expenses, which is in excess of the proceeds of sale, shall be recoverable by action from the owner of such wares.

(4) Any hawker or pedlar who, on being requested to produce his certificate under the provisions of sub-section (2) of this section, gives a false name or address shall be guilty of an offence and, in addition to any other penalty which he may incur under this Part, liable, on summary conviction, to a fine not exceeding one pound.

Application of
licence fees.

74. The fees paid for licences issued under this Ordinance shall be received and held for the use of the Council.

Offences and
penalties.

75. (1) Any person who does any act which is declared to be unlawful under sections 68, 69 and 70 shall be guilty of an offence and, in respect of each such offence, liable, on summary conviction, to a fine not exceeding fifty pounds and, in default of payment, to imprisonment without hard labour for any period not exceeding six months.

(2) Any person exercising, carrying on, or practising within the Town any trade, business or profession mentioned in Part I of the Second Schedule hereto or any person using in any public place within the Town any vehicle mentioned in Part II of the said Schedule or any person doing within the Town any of the acts or things mentioned in Part III of the said Schedule, who shall, upon demand being made by any officer of the Council or any Police Officer, refuse or fail, without reasonable cause, to produce and show his licence for exercising, carrying on or practising any such trade, business or profession, or for such vehicle, or for doing any such acts or things, as the case may be, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five pounds.

(3) Any person who shall let out, hire or lend his licence, or who, not having taken out a licence under this Ordinance, shall produce, exhibit or use any paper with intent to cause it to be believed that he has duly taken out such a licence shall be guilty of an offence and, in respect of each such offence, liable, on summary conviction, to a fine not exceeding twenty pounds or, in default of payment, to imprisonment, with or without hard labour, for any period not exceeding three months:

Provided that it shall be lawful for the Council to issue to any person such number of hawkers' or pedlars' licences and certificates as it may think fit, and such person may, while such licences are in force, transfer the same from and to any other person in his employ:

Provided further that any person to whom such licence is transferred shall be deemed to be a licensee during such time as he holds such licence and shall be subject to all the provisions of section 73.

PART XIII.—REVENUE OF THE COUNCIL.

76. The revenue of the Council shall be paid to the Treasurer and shall consist of the following moneys— Revenue of Council.

(a) all fees received for the inspection, and all moneys received for the sale, of any lists, books, accounts or documents in the custody of the Town Clerk;

(b) all fees for licences issued in the Town under this Ordinance;

(c) all fines, penalties, costs and amounts recovered in respect of any prosecution or action by or on behalf of the Council or under any bye-laws, unless by law directed to be otherwise disposed of;

(d) all stallages, rents, tolls and fees received in respect of the use of any market, slaughter-house, cattle warri or pound or of any other property belonging to or provided by the Council;

(e) the rents and profits of all immovable property or buildings belonging to the Council;

(f) the interest, dividends and proceeds from all investments and securities belonging to the Council;

(g) all rates levied under the provisions of this Ordinance;

(h) all amounts paid to the Council by the Government or by any local authority or other body, whether as a grant-in-aid or endowment or otherwise;

(i) any rents, forfeitures, receipts or proceeds lawfully derived by the Council from any other source whatever not in this section specifically mentioned.

77. The revenue of the Council shall be applicable to and charged with the following payments— Application of revenue.

(a) the remuneration of the Chairman and officers and employees of the Council and the expenses incurred in respect of procuring, furnishing, equipping and maintaining a Town Hall and suitable offices for officers of the Council;

(b) expenses incurred in connection with the travelling of any Councillor when acting as representative of the Council or of any officer of the Council in the execution of his duty;

(c) all expenses properly incurred by the Council in carrying this Ordinance into effect;

(d) all other payments legally due and owing by the Council.

Authority for
payment of
money.

78. No payment shall be made out of the funds of the Council except under the authority of the Council, and every payment exceeding ten pounds shall be made by cheque signed by the Treasurer and countersigned by the Chairman and the Town Clerk.

Banking
account.

79. All moneys belonging to the Council shall be paid into such bank as the Council may from time to time appoint, and no money shall be withdrawn from such bank except by cheque signed by the Treasurer and countersigned by the Chairman and the Town Clerk.

Writing off
arrears of
revenue.

80. (1) It shall be lawful for the Governor in Council from time to time on the application of the Council supported by a resolution of the majority of the Councillors to make an Order authorising all arrears of rates and other moneys due to the Council under and by virtue of this Ordinance, or any part of such arrears, to be written off as irrecoverable debts in regard to which no further proceedings need be taken.

(2) The Governor in Council may make an Order under the preceding sub-section in respect of the whole or any part of the arrears specified in the application of the Council.

PART XIV.—THE TOWN RATE.

The Town
rate and
payment
thereof.

81. (1) The Town rate provided for in the estimates of the Council in any one financial year shall be a rate at a uniform amount per pound on the assessed annual value of assessed buildings and shall be a single rate in respect of all assessed buildings.

(2) The Town rate provided for in the approved estimates of the Council (hereinafter referred to as “the approved Town rate”) shall be imposed and levied by the Council and shall be payable to the Treasurer on or before the thirty-first day of January following the date on which the estimates providing for such rate are approved, or such later date as the Council may by notice declare:

Provided that the Council may by resolution approve payment of rates in two equal instalments on the thirty-first day of January and the thirty-first day of July in any year:

Provided further that the approved Town rate in respect of the financial year 1959 shall be calculated on the Valuation Roll deposited on or before the first day of December, 1959 and the said approved Town rate shall be imposed and levied by the Council and shall be payable to the Treasurer on or before the thirtieth day of December, 1959.

18 of 1959.

82. The Council shall, at least one week before submitting the estimates to the Governor in Council for approval, give public notice that it intends to insert provision for a Town rate in such estimates and shall within fourteen days after the approval of any estimates in which provision for a Town rate is contained, give public notice of such approved Town rate:

Notice of imposition of Town rate.

Provided that in any proceedings to levy or recover such rate, it shall not be necessary to prove that any such notice was given, and failure to give any such notice shall not affect the right to levy or recover any rate.

83. The Treasurer shall keep a Rate Book in the Form 3 in the Third Schedule to this Ordinance and such Rate Book shall be kept in the office of the Treasurer and shall be open to inspection during office hours.

Town Rate Book. Form 3.

84. The amount of the approved Town rate due in respect of any building together with poundage and levy expenses (if any) shall until paid be a charge on such building, and such charge shall have priority over all other claims against such building except claims of the Crown.

Town rate to be a charge on buildings.

85. If any owner liable to the approved Town rate or his agent appointed under the provisions of section 90 refuses or neglects to pay such rate at the time and in the manner hereinbefore appointed for the payment thereof, the Chairman is hereby empowered to issue a warrant under his hand and (subject to the provisions of sub-section (3) of section 4) the common seal of the Council, directed to the Town Bailiff requiring and commanding him to levy such rate on the goods and chattels of such defaulting owner, and the Town Bailiff is hereby empowered and required to execute the said warrant and to make a return thereto within thirty days after the date thereof.

Levy on owner's goods on non-payment.

86. (1) The Town Bailiff shall be entitled to a poundage of three shillings for every twenty shillings or any part thereof levied by virtue of any warrant directed to him by the Chairman and such poundage is hereby made chargeable upon the personal

Poundage.

property and buildings so levied upon. All such poundage fees shall be paid to the Treasurer and form part of the approved Town rate.

(2) All goods and chattels, which shall be levied upon by the Town Bailiff by virtue of any warrant from the Chairman, shall be sold by him by public auction to the highest bidder within ten days after the time of levying upon such goods and chattels, and the Town Bailiff shall cause such intended sale to be advertised at least five days before the sale, and the sum or sums of money arising from such sale the Town Bailiff shall apply to the payment of the approved Town rate and poundage and all charges attending such levy and sale, and shall return the surplus (if any) to the person or persons entitled thereto.

Levy on
occupier's
goods on
non-payment.

87. (1) If the Town Bailiff, acting under section 85 finds no goods, or, if the amount realised by any sale under section 86 is insufficient, the Chairman is hereby empowered and required to issue a warrant under his hand and (subject to the provisions of sub-section (3) of section 4) the common seal of the Council, directed to the Town Bailiff, requiring and commanding him to demand from the occupier payment of the amount thereinafter mentioned, and, in default of payment of such amount by the occupier, within fourteen days, to levy the said amount on the goods and chattels of such occupier as is provided in sections 85 and 86 for levying on the goods and chattels of a defaulting owner.

(2) Within fourteen days after demand of payment under the preceding sub-section, the occupier shall pay to the Town Bailiff the amount due for the approved Town rate in respect of the building occupied by him, but shall not be liable for any poundage or other cost of levy upon the goods of the owner.

(3) An occupier may deduct any sum paid by him under the preceding sub-section from the amount of rent payable by him to the owner, and, should a levy have been made on the goods and chattels of such occupier he may also deduct from such rent the poundage and cost of the levy.

(4) Where there is an existing contract, whether verbal or written, between the owner and the occupier that the occupier shall pay the approved Town rate, and the owner pays all or any part of such rate, it shall be lawful for the owner to increase the rent by the amount of such rate paid by him or, if he thinks fit, to sue the occupier or his executors, administrators or assigns therefor.

88. (1) If the remedies hereinbefore provided against owners and occupiers have failed to realise the full amount of the approved Town rate due together with the costs of any levy in respect thereof, and any such amount shall still remain unpaid two years after the date on which the approved Town rate became payable under section 81 it shall be lawful for the Chairman to issue a warrant under his hand and (subject to the provisions of sub-section (3) of section 4) the common seal of the Council, directed to the Town Bailiff requiring and commanding him to levy such rate and the costs of any previous levy in respect thereof upon the buildings, rents and annuities of such persons and to sell such buildings, rents and annuities by public auction giving thirty days' notice of such intended sale and thereafter the provisions of sub-section (2) of section 86 shall apply to such sale:

Levy on buildings on non-payment for two years.

Provided that the Chairman may, at any time before the sale of any buildings, rents and annuities postpone the sale either generally or to some specific date.

(2) Before any building belonging to a native is put up for sale by public auction under this section, the Tribal Authority and the District Commissioner may issue a joint statement declaring that in the event of the building being sold to a non-native, they respectively consent and approve to a lease over the land on which the building stands, being granted to such non-native on such terms as may be set out therein. Such joint statement shall be read out publicly when the building is put up for sale and if the building is sold to a non-native, then notwithstanding the provisions of the Protectorate Land Ordinance, he shall on completing the purchase of the building be entitled subject to the terms contained in the joint statement—

Cap. 122.

(a) to occupy the land;

(b) to require the execution of a lease by or on behalf of the Tribal Authority embodying the terms contained in the joint statement; and

(c) to require the District Commissioner to enter the lease in the Decree Book of the District as provided in the Protectorate Land Ordinance.

(3) When any building standing on land leased to a non-native is put up for sale by public auction under this section, and the consent or approval of any person is required before the lessee's interest in the land may be assigned, such person may give his consent or approval as the case may be, with or without conditions attached before the sale of the building and thereupon

the leasehold interest in the land may be sold with the building subject to such conditions:

Provided that the conditions shall be read out publicly when the building and the lease are put up for sale.

(4) A deed of conveyance executed by the Town Bailiff in pursuance of any sale under the preceding sub-section shall, upon being duly registered under the provisions of the Registration of Instruments Ordinance, confer upon the purchaser as good a title to the buildings sold as the owner could lawfully convey.

Cap. 256.

Chairman
may issue one
warrant for
each ward.

89. It shall be lawful for the Chairman, whenever he shall deem it expedient, in lieu of issuing separate warrants in respect of each defaulter, to issue under his hand and (subject to the provisions of sub-section (3) of section 4) the common seal of the Council, one warrant for each ward respectively, and to annex or subjoin to each such warrant a schedule of the names of the defaulters in the ward for which it is issued, and such warrant shall be taken to apply in respect of each of the defaulters named in the schedule annexed or subjoined thereto.

Absentee
owner to
appoint
agent.

90. Any owner of a building in respect of which the approved Town rate is payable by him shall, if he intends to be absent from the Town appoint some person to be his agent for the payment of such rate and shall notify the Town Clerk in writing of such appointment.

Unoccupied
buildings.

91. Where it is shown to the satisfaction of the Assessment Committee that any building or any part thereof which has been included in any assessed buildings has been unoccupied for a period of not less than six months in any financial year and that notice thereof has been given as required by section 92 the Assessment Committee shall, on the application of the person who has paid the amount of the approved Town rate payable in respect of such building, order to be refunded to that person such proportion of the amount paid as the Assessment Committee may deem fit having regard to all the circumstances.

Notice of
non-occupa-
tion and of re-
occupation.

92. (1) It shall be the duty of the owner of any assessed premises to notify in writing the Town Clerk within twenty-one days that any building thereon, if previously unoccupied, is occupied or if any such building was previously occupied, that it is unoccupied.

(2) Any owner of an assessed building who, having given notice of non-occupation of such building, fails to give notice of re-occupation as required by the preceding sub-section shall be guilty of an offence against this Ordinance.

93. Where it is shown to the satisfaction of the Assessment Committee that any assessed building or any part thereof has been demolished or removed during any financial year the Assessment Committee shall, on the application of the person who has paid the amount of the approved Town rate payable in respect of such building, order to be refunded to that person such proportion of the amount paid as the Assessment Committee may deem fit having regard to all the circumstances:

Buildings
demolished
or removed.

Provided that, in the case of a demolition or removal otherwise than by order of the Council, the owner of such premises has within fourteen days of such demolition or removal given notice in writing thereof to the Assessment Committee.

94. (1) The approved Town rate shall not be payable in respect of buildings which belong to or are held in trust for—

Exempted
buildings.

(a) the Council, or

(b) the Imperial or Colonial Governments and are either unoccupied or are occupied by the Imperial or Colonial Governments or by some person in the employ of either of such Governments.

(2) The approved Town rate shall be payable on all buildings which belong to or are held in trust for the Imperial or Colonial Governments and are occupied by some person not in the employ of either of these Governments:

Provided that where such buildings are so occupied for only part of a year, the amount payable in respect of rates shall be proportionately reduced.

(3) No rates shall be payable in respect of buildings which belong to or are occupied by a foreign state for any of the following purposes, that is to say—

(a) a consular office, or

(b) a residence for a consular officer or employee, or

(c) any other purpose, to which the Governor does not object, arising out of the operation of the consular establishment of such foreign state:

Provided that this sub-section shall only apply where the Governor certifies that reciprocal privileges are enjoyed by British consular establishments in the territories of such foreign state.

Agreement
between
lessor and
tenant.

95. Nothing in this Part contained shall be deemed to affect any agreement between lessor and tenant with respect to the payment of the approved Town rate, and no such agreement between lessor and tenant shall derogate from the provisions of this Part with respect to the enforcement of such rate.

Exemption
owing to
poverty.

96. Notwithstanding anything in this Ordinance contained, the Council may, if satisfied by any applicant, by evidence on oath, that on the ground of poverty it is desirable so to do, exempt from payment of the approved Town rate any building liable for such payment, or reduce the amount for which the building is liable in respect of such rate.

PART XV.—MISCELLANEOUS.

Appearance
of Council
in legal
proceedings.

97. (1) The Council may appear in any legal proceedings by the Town Clerk or an officer of the Council authorised generally or in respect of any particular proceedings by resolution of the Council; and the Town Clerk or any officer so authorised shall be at liberty to institute and carry on any proceedings which the Council is authorised to institute and carry on under this or any other Ordinance, subject always to any directions which may be given to him by the Council.

(2) Service on the Council of all legal processes and notices shall be effected by service on the Town Clerk.

Form of title
deeds.

98. The title to all lands and buildings acquired or leased by the Council shall be taken in the corporate name of the Council; and all deeds and contracts requiring to be executed by the Council shall be executed in the corporate name of the Council and shall be signed and (subject to the provisions of sub-section (3) of section 4) sealed with the common seal by the Chairman and shall also be signed by the Town Clerk.

Proof in legal
proceedings.

99. In any prosecution or other legal proceedings under the provisions of this or any other Ordinance instituted by or under the direction of the Council, no proof shall be required—

(a) of the persons constituting the Council; or

(b) of any order to prosecute or of any particular or general authorisation under section 97 of the Town Clerk or other officer of the Council; or

(c) of the appointment or authority of the Town Clerk or other officer of the Council to prosecute; or

(d) of the presence of a quorum of the Council at the making of any order or the doing of any act, until evidence is given to the contrary.

100. All documents executed in accordance with the provisions of sections 66 and 98 and all other documents purporting to be written or issued by or under the directions of the Council and purporting to be signed by the Chairman or by the Town Clerk or other officer of the Council, shall be received as *prima facie* evidence in all Courts and shall be deemed to be executed, issued or written by or under the direction of the Council without proof, unless the contrary is alleged.

Prima facie
evidence.

101. Whenever in any criminal process or proceeding it may be necessary to refer to the ownership or description of property belonging to or under the management or superintendence of the Council, such property may be described as the property of the Council.

Description
of property
of Council.

102. Save as in this Ordinance otherwise expressly provided, the publication of any notice or other document required by this Ordinance to be published shall be deemed to be duly made if it is fixed in some conspicuous place on or near the outer door of the office of the Town Clerk during office hours, and also in some other conspicuous place or situation in the Town.

Publication
of notices.

103. Notices, orders and any other documents required or authorised to be served under this Ordinance may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or, where addressed to the owner or occupier of any building, by delivering the same, or a certified true copy thereof, to some person in the building, or, if there is no person in the building who can be served, by fixing the same on some conspicuous part of the building. Notices, orders and other documents may also be served by post by a prepaid registered letter, and, if so served, they shall be deemed to have been served at the time of posting. In proving service by post, it shall be sufficient to prove that the notice, order or other document was properly addressed and posted.

Service of
notices.

104. Every person who wilfully destroys, mutilates, effaces or removes any notice, list, register or other document, affixed to any building under the provisions of this Ordinance, during the period for which it is required to remain so affixed, shall be guilty of an offence against this Ordinance.

Hindering
publication.

Inspection of documents.

105. A document required by this Ordinance to be open to inspection shall be so open during the ordinary office hours, and without payment, unless otherwise provided.

Obstruction of inspection.

106. If a person having the custody of any register or document in this Ordinance mentioned—

(a) obstructs any person authorised to inspect such register or document in making such inspection; or

(b) refuses to give copies or extracts to any person entitled thereto,

he shall be guilty of an offence against this Ordinance.

Obstruction of execution of Ordinance.

107. (1) Where the occupier of any building prevents the owner thereof from obeying or carrying into effect any provision of this Ordinance, and is required by notice in writing to permit the execution of any works required to be executed for the purpose of obeying or carrying into effect the provisions of this Ordinance, then, if, within twenty-four hours after service of the written notice, such occupier fails to comply therewith, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five pounds for every day during the continuance of such non-compliance.

(2) If the occupier of any building, when requested by or on behalf of the Council to state the name and address of the owner of the building occupied by him, refuses or wilfully omits to disclose, or wilfully mis-states such name and address, he shall be guilty of an offence against this Ordinance.

Entry for purposes of Ordinance.

108. The officers of the Council and such other persons as shall be duly authorised by the Council shall have power to enter, examine or lay open any lands or buildings within the Town for any of the purposes of this Ordinance or of any Ordinance to which the Council is authorised to give effect under section 55; and the occupier of such lands or the owner or occupier of a building who refuses, after written notice, to permit such lands or building to be entered upon, examined or laid open for the purposes aforesaid shall be guilty of an offence against this Ordinance.

Power to administer oaths, etc.

109. Where under this Ordinance, a declaration or oath is required to be made or taken by the holder of an office or other person before the Council, or any committee or any person, the Council or such committee or person shall have authority to receive such declaration or administer such oath without any commission or authority other than this Ordinance.

110. No matter or thing done and no contract entered into by the Council, and no matter or thing done by any Councillor or officer of the Council or other person whomsoever acting under the direction of the Council, shall, if the matter or thing were done or contract were entered into *bona fide* for the purpose of executing this Ordinance, subject any Councillor or officer of the Council or any person acting under the direction of the Council personally to any action, liability, claim or demand whatsoever.

Protection of Councillors and officers from personal liability.

111. (1) Where the Council intends to apply to the Governor in Council for the approval of, or consent to, any sale, loan or other financial arrangement under this Ordinance, notice of the intention to make the application shall be published one month at least before the application, and a copy of the intended application shall, during that month, be kept in the office of the Town Clerk and be open to public inspection.

Notice of application to Governor in Council.

(2) If the Governor in Council either refuses approval or consent or grants it conditionally or under qualifications, notice of the correspondence between the Governor and the Council shall forthwith be published, and a copy of the correspondence shall, for a period of one month, be kept in the office of the Town Clerk and be open to public inspection.

112. In addition to all other powers conferred by this Ordinance, it shall be lawful for the Governor in Council after consultation with the Council to revoke, amend, vary or add to any of the provisions or forms in the schedules hereto (other than those occurring in Part II of the First Schedule).

Amendment of schedules.

113. (1) Any person guilty of an offence stated to be such in this Ordinance for which no special penalty is provided shall be liable, on summary conviction, to a fine not exceeding ten pounds or, in default of payment, to imprisonment for a period not exceeding two months.

General penalty.

(2) Where any holder of a licence issued under the provisions of this Ordinance is convicted of an offence involving a breach of the terms or conditions of such licence, the court convicting him may order that the licence be revoked or suspended and thereafter the Council may refuse the reissue or renewal of such licence.

114. (1) The Governor in Council, after consultation with the Council, may make rules for carrying out the provisions of this Ordinance and for the health order and good government

Rules.

of the Town, and in particular, but without derogation from the generality of his powers, may make rules for all or any of the following purposes—

(a) for the prevention of vagrancy and the suppression of nuisances;

(b) for the issue of licences, the imposition of conditions and restrictions thereon;

(c) for the establishment, regulation, control, and management of water supplies;

(d) for the prescription of fees to be paid in connection with any of the matters contained in this section;

(e) for the prevention of contravention of rules made under this section, and the facilitating of the detection of such contraventions.

(2) Rules made under this section may apply to the whole or any part of the Town and to all or any classes or class of person.

(3) Rules made under this section may impose a fine not exceeding ten pounds or, in default of payment, imprisonment not exceeding two months for the breach of any rule.

(4) The breach of any rule made under this section may be prosecuted summarily.

Bye-laws.

115. (1) The Council may, from time to time, with the approval of the Governor in Council, make bye-laws for any of the following purposes—

(a) the establishment, regulation, control, maintenance and management of markets, slaughter-houses, public wash-houses, cemeteries and cattle warris, pounds, parks, gardens, and other places of public resort or recreation provided by the Council;

(b) the removal and disposal of night soil;

(c) the imposing upon the owners of buildings of such restrictions as may be necessary to prevent any such building from being or becoming a source of danger to surrounding property, whether from fire or from its insecure construction or dilapidated condition;

(d) the control of traffic in the streets, and the width of streets and the dimensions of other public places;

(e) the prevention of the obstruction of streets and other public places by animals and things;

(f) the prohibition, regulation and control of street trading;

(g) the construction and position of new buildings, the demolition or alteration of buildings erected contrary to any rules made under this section, or to any directions give by any person authorised by any such rules to give directions with regard to the erection and position of new buildings;

(h) the prohibition of building on such areas as may be prescribed;

(i) the prohibition of the digging of borrow pits, and the taking of building material, except from appointed places;

(j) the prescription of fees to be charged in connection with any of the matters contained in this section;

(k) the prevention of contravention of bye-laws made under this section, and the facilitating of the detection of such contraventions.

(2) Bye-laws made under this section may impose a fine not exceeding ten pounds or, in default of payment, imprisonment not exceeding two months for the breach of any such bye-law, and in the case of a continuing offence, a further penalty not exceeding one pound for each day after written notice of the offence has been served on the offender.

(3) The breach of any bye-law made under this section may be prosecuted summarily.

(4) The Council shall not make any bye-law under this section until the expiration of thirty days after notice of the Council's intention to make the same and the full text of the proposed bye-law has been published in the *Gazette*.

116. Save as is expressly provided in this Ordinance, the provisions hereof shall not in any manner whatsoever affect the rights of the Crown.

Saving of
Crown rights.

FIRST SCHEDULE.

PART I.—VALUATION OF BUILDINGS.

Section 11 (3).

1. (1) For the purpose of compiling the first Valuation List under this Ordinance—

Special provisions for
first
valuation.

(a) the Minister shall appoint one or more fit and proper persons to assess the annual value of all buildings assessable within the meaning of section 10, and such person or persons shall forthwith prepare and sign a Valuation List in the Form 1 prescribed in the Third Schedule to this Ordinance, and shall forthwith deposit such List at the office of the District Commissioner;

Form 1.

(b) the person or persons so appointed by the Minister shall be deemed to be valuers appointed by the Council in terms of section 11 of this Ordinance;

(c) paragraphs 3 and 5 of this Part shall have no force or effect, and the remainder of the paragraphs of this Part shall be read as if the words " District Commissioner " were substituted for the words " Assessment Committee " " Chairman " and " Town Clerk " whenever they occur.

Annual
Assessment.

(2) Thereafter the valuers appointed by the Council in terms of section 11 of the Ordinance shall on or before the first day of June in every year assess the annual value of all buildings assessable within the meaning of section 10 and shall prepare and sign a Valuation List in the Form 1 prescribed in the Third Schedule to this Ordinance, and if the valuers are of the opinion that the value of any buildings shown in the Valuation Roll in force at the time of assessment correctly shows the annual value of such buildings, they shall accept such valuation for the purposes of the Valuation List then in course of preparation, but otherwise shall revise such valuation and enter the revised valuation in the Valuation List.

Form 1.

Valuers may
require
information.

2. (1) The valuers may require any owner, occupier or mortgagee of any building to give his full name and address and to produce any rent book, receipt for rent, lease, agreement or other document and may require such owner, or the person in receipt of any rent thereof, or the person renting such building or part thereof, or the agent of such person, to make a declaration in writing in the Form 2 prescribed in the Third Schedule to this Ordinance as to the amount of yearly rent paid or payable for such building, or to give any other information which may be required for the purpose of duly making the Valuation List.

Form 2.

(2) Any person refusing or failing to produce any such book or document or to sign such declaration or to give any such information, or signing any such declaration knowing the same to be false, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment for a period not exceeding three months.

Notice of
assessment to
be given in
certain cases.

3. Whenever the valuers have assessed the annual value of any building which during the immediately preceding period of twelve months has been erected, altered or rebuilt, or have re-assessed any building at an increased annual value, they shall cause a notice signed by them and specifying the annual value assessed by them to be served on the owner, occupier or mortgagee of such building.

Valuers may
enter any
buildings.

4. The valuers may, in the discharge of their duty, enter any building between the hours of six o'clock in the forenoon and six o'clock in the afternoon on any week-day not being a public holiday, and any person refusing admission to or obstructing the valuers in the discharge of their duty shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty-five pounds or, in default of payment to imprisonment for a period not exceeding three months.

Notice of new
building, etc.

5. When any new building is erected or whenever any building is rebuilt or enlarged, the owner of such building shall, within fifteen days of the completion of work thereon or occupation thereof, whichever is the sooner, give notice thereof in writing to the Town Clerk. In case of failure to give such notice, the owner shall be guilty of an offence against this Ordinance.

Valuation
List to be
deposited and
open for
inspection.

6. The Valuation List made and signed by the Valuers shall forthwith be deposited in the office of the Town Clerk who shall forthwith cause to be published a notice of such deposit. Any person owning or in the occupation of or interested in any assessable building shall be entitled to inspect the

Valuation List and to take copies thereof and extracts therefrom on payment of a fee of one shilling.

7. Any person aggrieved by the Valuation List on the ground of unfairness or incorrectness in the valuation of any building included therein, or on the grounds of the inclusion of any building in or the omission of any building from the Valuation List, may at any time after the deposit as aforesaid of such List, and before the expiration of twenty-one days after the publication of the notice of the deposit, give to the Assessment Committee a notice in writing of his objection specifying the grounds thereof. When the grounds of any objection is unfairness or incorrectness in the valuation of any building in respect of which any person other than the person objecting is liable to be assessed, or the omission of any assessable building from the Valuation List, the person objecting shall also give notice in writing of such objection and of the grounds thereof to such other person.

Objections to Valuation List.

8. (1) The Assessment Committee shall hold meetings to hear objections to the Valuation List, and shall, fourteen days at least before holding any such meeting, except a meeting by adjournment, cause to be published notice of such meetings; and the Assessment Committee may at any such meeting hear and determine such objections or may, from time to time, adjourn any such meeting and adjourn or postpone the hearing or further hearing and determination of any such objections, and may direct notice in writing of any such objection to be given by the valuers or by the persons objecting, to third parties before the further hearing thereof. When the ground of such objection is unfairness or incorrectness in the valuation of any building in respect of which any person other than the person objecting is liable to be assessed, or the omission of any assessable building from the Valuation List, the Assessment Committee shall not hear any objection to the Valuation List, unless such notice as aforesaid of such objection has been given to them and to such other person by the person objecting, except when such other person by himself or some other person on his behalf consents to the hearing of such objection.

Procedure for dealing with objections.

(2) The Assessment Committee may, upon the hearing of any objection to the Valuation List, examine witnesses on oath and take evidence in writing.

(3) Such witnesses shall be summoned under the hand of the Chairman in the same manner, as nearly as circumstances permit, as witnesses at a trial in the Supreme Court.

(4) Upon the hearing of objections to the Valuation List such person as the Chairman may direct shall take down in writing a full record of the proceedings including the evidence of all witnesses examined on oath.

9. Any person who wilfully refuses to attend in obedience to a summons issued under the preceding paragraph, or to give evidence before the Assessment Committee or to produce any rent book, receipt for rent, lease, agreement or other document, which may be required to be produced before the Assessment Committee for the purpose of ascertaining the annual value of any assessable building in the Town shall be guilty of an offence against this Ordinance.

Penalty.

10. The Assessment Committee, after hearing the parties interested, shall have power to order the withdrawal of all persons during the deliberations of the Committee.

Committee may deliberate in private.

Committee may direct further valuation and correct Valuation List.

11. (1) The Assessment Committee may, whether any objection be or be not made to the Valuation List and after giving any known owner, occupier or mortgagee of the building concerned an opportunity of being heard, make such alterations in the valuation of any building included in the Valuation List, and may insert therein any assessable building omitted therefrom, and may delete therefrom any building which is not assessable, and may make such corrections in names, descriptions and particulars in the Valuation List, upon such information as to them may seem sufficient, and may employ a person to survey and value any assessable building comprised in or omitted from the Valuation List, or may take such other means for ascertaining the correctness of the Valuation List as the Assessment Committee may think fit.

(2) The decisions of the Assessment Committee shall not require the approval of the Council.

(3) When the Assessment Committee has heard and determined all objections to the Valuation List and has made all alterations, insertions and corrections in the Valuation List, it shall approve the same and thereupon such Valuation List shall become a Valuation Roll.

Appeals against a decision of Committee.

12. (1) Any person who—

(a) has appealed to the Assessment Committee and is aggrieved on account of its decisions, or

(b) is aggrieved by any alteration to the Valuation List made by the Assessment Committee of its own motion,

may, at any time within fourteen days after the publication of the notice of the deposit of the Valuation Roll, appeal to a Magistrate having jurisdiction within the Town.

(2) The appellant shall give to the Assessment Committee seven clear days notice in writing of his intention to appeal and the grounds thereof.

(3) The Magistrate shall hear and determine the appeal, and either allow or disallow the same, or make such order as shall be just.

(4) The Magistrate shall, subject to this Ordinance, have the same powers, jurisdiction and authority with respect to such appeals and the proceedings therein and to the costs thereof as if the appeal were an ordinary suit.

(5) Any person who has appealed to a Magistrate and is aggrieved on account of the decision on his appeal may, within fourteen days, appeal to the Supreme Court, whose decision shall be final.

(6) Where the Magistrate orders the Valuation Roll to be amended, and no appeal has been lodged within the prescribed period, or, if an appeal has been lodged and the Supreme Court orders the Valuation Roll to be amended, the Assessment Committee shall cause the Valuation Roll to be amended in conformity with the order so made, and shall add to any such amendment the words "by order of the Court."

Section 38 (2).

PART II.—STANDING ORDERS OF THE COUNCIL.

Meetings of the Council.

1. A meeting of the Council shall be convened by the Chairman on the last Thursday in every month, and at such other time as the Chairman may appoint:

Provided that the Chairman shall convene a meeting within fourteen days whenever so requested in writing by any four or more Councillors.

2. At every meeting of the Council the President or the Chairman shall preside: Presiding Councillor.

Provided that in the absence of both the President and the Chairman the Council shall appoint one of the Councillors to preside.

3. All acts whatsoever hereby authorised or required to be done by the Council and all questions that may come before the Council shall be done and decided by the majority of votes: Voting.

Provided that the Council shall not be disqualified from the transaction of business by reason of any vacancy or vacancies among the Councillors:

Provided further that no business, except that of adjournment, shall be transacted unless there be present at least five Councillors. Quorum.

4. The Councillor presiding shall have an original vote, and, if upon any question the votes be equal, a casting vote. Casting vote.

5. Minutes of all proceedings of the Council shall be regularly kept by the Town Clerk, or, until the appointment of such an officer, such other person as the Council may appoint in that behalf, in a Minute Book kept for that purpose; and, at each meeting of the Council, the minutes of the last preceding meeting shall be read over and confirmed or amended, as the case may require, and shall be signed by the Councillor presiding: Minutes.

Provided that if a copy of the minutes has been circulated previously to each member of the Council, they shall be taken as read.

6. The Minute Book shall be open to inspection at the office of the Town Clerk during office hours by any person whose name appears on the Voters List on payment of a fee of one shilling.

7. Except where the Council varies the order of business on the grounds of urgency, the order of business at every meeting shall be— Order of business.

(a) to choose a Councillor to preside if both the President and Chairman be absent;

(b) to read and approve as a correct record the minutes of the last meeting of the Council;

(c) to receive such communications as the Chairman may desire to lay before the Council;

(d) to receive and consider the trial balance as submitted by the Treasurer for the previous month;

(e) to answer any questions asked pursuant to Standing Order 11;

(f) to dispose of business (if any) remaining from the last meeting;

(g) to receive and consider reports or minutes of committees;

(h) to receive and consider reports from officers of the Council;

(i) to authorise the signature or sealing of documents where required;

(j) to consider notices of motion in the order in which they have been received;

(k) other business, if any, of which due notice has been given to the Town Clerk:

Provided that the Council may at any meeting vary the order of business so as to give precedence to any business which in the opinion of the Councillor presiding is of special urgency.

Motions.

8. Except as provided by Standing Order 9 every notice of motion shall be in writing, signed by the member or members of the Council giving the notice and delivered at the Town Clerk's office not later than Monday in the week before the next meeting of the Council. The Town Clerk shall date the motion and number it in the order in which it is received and enter it in a book which shall be open to the inspection of every member of the Council.

Motions for which notice has been duly given, the subject matter of which comes within the province of a committee shall upon being moved and seconded stand referred without discussion to such committee for consideration and report:

Provided that the Councillor presiding may, if he considers it convenient, allow such a motion to be dealt with at the meeting at which it is brought forward.

Motions
without
notice.

9. The following motions may be moved without notice—

(a) The appointment of a Councillor to preside over the meeting in the absence of the President and the Chairman.

(b) Motions relating to the accuracy of the minutes, adjournment, or order of business.

(c) Reference to a committee.

(d) That the Council do resolve itself into Committee.

(e) Appointment of a committee or members thereof so far as arises from an item mentioned in the summons to the meeting.

(f) Adoption of reports and recommendations of committees or officers and any consequent resolutions.

(g) Amendments to motions.

(h) Authorising the signature or sealing of documents.

(i) That an item of business have precedence.

(j) Suspending Standing Orders.

(k) Excluding the public.

(l) That a member named under Standing Order 27 be not further heard, or do leave the meeting.

Questions.

10. A member of the Council may ask the Chairman of a committee any question upon the proceedings of the committee then before the Council, if the question is put before the Council's consideration of those proceedings is concluded.

11. A member of the Council may, if two clear days notice has been given to the Town Clerk, ask the Chairman or the Chairman of any committee any question relating to the business of the Council, provided that with the permission of the Councillor presiding a member may put to him or to the Chairman of any committee questions relating to urgent business of which such notice has been given.

12. Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.

13. Where the reply to any question cannot conveniently be given orally it shall be deemed a sufficient reply if the answer is circulated to members of the Council with the minutes of the meeting at which the question was asked.

14. As soon as the minutes have been read, or if they are taken as read, the Councillor presiding shall put the question that the minutes of the meeting of the Council, held on the.....day of.....be signed as a true record. No motion or discussion shall take place upon the minutes except upon their accuracy. If no such question is raised then as soon as it has been disposed of, the Councillor presiding shall sign the minutes.

Rules of Debate.

15. A motion or amendment shall not be discussed unless it has been proposed and seconded and unless notice has already been given in accordance with Standing Order 8 it shall be reduced to writing and handed to the Councillor presiding before it is further discussed or put to the meeting.

16. A member shall stand when speaking and addressing the Councillor presiding. If two or more members rise the Councillor presiding shall call on one to speak.

17. A member shall direct his speech to the question under discussion or to a question of order.

18. An amendment shall be either—

Amendments to motions.

- (a) to leave out words;
- (b) to leave out words and insert or add others;
- (c) to insert or add words;

but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Council.

19. If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried the motion as amended shall take the place of the original motion; and shall become the motion upon which any further amendment may be moved.

20. A further amendment shall not be moved until the Council shall have disposed of every amendment previously moved.

21. A member shall not speak more than once on any motion except to move a further amendment or on any amendment except on a point of order or by way of personal explanation, or to move " that the question be now put " or in the case of the proposer of a motion to reply at the close of the debate upon such motion immediately before it is put to the vote.

Speeches.

22. A member may at the conclusion of a speech of another member move without comment " that the question be now put ",

" that the debate be now adjourned," " that the Council proceed to the next business " or " that the Council do now adjourn " on the seconding of which the Councillor presiding if in his opinion the question before the meeting has been sufficiently discussed, shall put that motion to the vote.

23. A member may rise to a point of order or in a personal explanation, but a personal explanation shall be confined to some material part of a former speech by him at the same meeting which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.

Points of order.

24. The ruling of the Councillor presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

25. Whenever the Councillor presiding rises during a debate a member then speaking or standing shall resume his seat and the Council shall be silent.

26. When a motion is under debate no other motion shall be moved except the following—

- (a) to amend the motion;
- (b) to postpone consideration of the motion;
- (c) to adjourn the meeting;
- (d) to adjourn the debate;
- (e) to proceed to the next business;
- (f) that the question be now put;
- (g) that a member be not further heard;
- (h) that a member do leave the meeting;
- (i) that the subject of debate be referred back to a committee.

Preservation
of order.

27. If at a meeting any member of the Council, in the opinion of the Councillor presiding, misconducts himself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council it shall be competent for a member to move "that the member named be not further heard" or "that the member named do leave the meeting" and the motion if seconded shall be put and determined without discussion.

28. If after a motion under the foregoing Standing Order has been carried the misconduct or obstruction is continued and in the opinion of the Councillor presiding renders the due and orderly dispatch of business impossible, the Councillor presiding, in addition to any other powers vested in him, may without question put, adjourn or suspend the sitting of Council for such period as he shall consider expedient.

Rescinding
previous
resolutions.

29. No motion which in effect rescinds or is contrary to any resolution passed within the preceding six months or to the same effect as one which has been negatived within the preceding six months shall be proposed unless the notice thereof bears the name of at least six members of the Council.

Nomination
of
candidates.

30. Where there are more than two persons nominated for any position to be filled by the Council and of the vote given there is not a majority in favour of one person, the name of the person, having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until one person has the majority of votes.

Financial
motions.

31. Any motion moved otherwise than in pursuance of a recommendation of the Finance Committee which if carried would materially increase the expenditure of the Council or reduce its revenue or would involve capital expenditure shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council and any committee affected by such motion (including the Finance Committee) shall report thereon.

Admittance
of the public.

32. The public shall be admitted to all meetings of the Council not being meetings of the Council in Committee so far as there is accommodation but at any meeting the Council may temporarily exclude the public owing to the special nature of the business being dealt with if they deem such exclusion reasonable in the public interest. If a member of the public interrupts the proceedings at any meeting the Councillor presiding may, after warning, order his removal from the Council Chamber.

Appoint-
ments by the
Council.

33. Canvassing of members of the Council directly or indirectly for any appointment under the Council shall disqualify a candidate for such appointment. The purport of this paragraph of this Standing Order shall be included in every advertisement inviting applications for appointment.

A member of the Council shall not solicit for any person any appointment under the Council or recommend his promotion.

34. All vacancies to be filled in the Council's staff unless they are to be filled by promotion or transfer shall be publicly advertised, and if there is more than one applicant a short written examination shall be held to assist the committee or the Council in selecting the most suitable applicant. Staff vacancies.

35. When the Council acquires a Common Seal it shall be kept in some safe place in the custody of the Town Clerk and shall not be affixed to any document unless this has been authorised by a resolution of the Council. The seal shall be attested by the Chairman and the Town Clerk. Custody of the Common Seal.

36. Payments on behalf of the Council shall be authorised by means of an order on the Treasurer signed by two members present at the meeting of whom one shall be the Councillor presiding and countersigned by the Town Clerk. Payments.

37. A member of the Council shall not claim the right, unless authorised to do so by the Council or a committee thereof, to enter upon or issue any order respecting any works which are being carried out on behalf of the Council. Works.

38. The Council shall at its first meeting after each annual election, appoint such standing committees as it may consider necessary to carry out the work of the Council. Committees.

39. A member of a committee of the Council shall not without its permission disclose a matter dealt with or brought before that committee until the committee shall have reported to the Council or shall have otherwise concluded action on the matter.

40. The following committees shall be the standing committees of the Council—

1. Finance and General Purposes;
2. Works;
3. Rating and Valuation.

41. The Chairman shall be an *ex-officio* member of every standing committee appointed by the Council. The Finance and General Purposes Committee shall consist of all members of the Council. Every other committee shall include not more than five members of Council.

42. Every committee appointed by the Council may appoint sub-committees if it considers them necessary for the expeditious dispatch of business, but no act of a sub-committee shall have effect until approved by the committee.

43. No business shall be transacted at any meeting of a committee unless at least three members are present.

44. All questions in committee shall be determined by show of hands by the majority of the members present and voting.

45. The member of the Council who has proposed a motion which has been referred to any committee shall have notice of the meeting of the committee at which it is proposed to consider the motion and shall be allowed to attend to explain it.

Miscellaneous.

46. Any motion to vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

47. A copy of the Ordinance and of these Standing Orders shall be given to each member of the Council by the Town Clerk upon delivery to him of the member's declaration of acceptance of office.

SECOND SCHEDULE.

Section 68.

PART I.

			£	s.	d.
1. Keeper of an hotel, inn or common lodging house for more than three persons.	Yearly	...	3	0	0
2. Restaurant Keeper	Yearly	...	2	0	0
3. Vendor of Patent Medicines (a separate licence shall be required in respect of each shop, store or other place of business):	Yearly	...	2	0	0
	Half-yearly	...	1	5	0
Provided that no licence shall be required for the sale of the simple Medical substances listed in Schedule F to the Medical Practitioners, Dentists and Druggists Ordinance (Cap. 151).					
4. Vendor of herbs or herbal medicines	Yearly	...	2	0	0
	Half-yearly	...	1	5	0
5. Money-lenders	Yearly	...	12	0	0
	Half-yearly	...	7	0	0
6. Keepers of Palm Wine Bars	Yearly	...	10	0	0
	Half-yearly	...	6	0	0

PART II.

Section 69.

For every licence—

1. For a cart, truck, wagon or other such vehicle, not being a motor-vehicle, as is constructed or adapted for use and is used primarily for the conveyance of any goods in the course of trade or husbandry, if the same shall have four or more wheels, and whether it shall run on rails or not.	Yearly	...	0	12	6
2. For a bicycle or tricycle not drawn or propelled by mechanical power.	Yearly	...	0	7	6

PART III.

Section 70.

For every licence—

To hold any concert, dancing, musical, theatrical or other entertainment (other than an open-air dance) to which admission is to be obtained on payment of any money or reward (except when the proceeds go wholly to charity).	Yearly	...	2	10	0
	Half-yearly	...	1	10	0
	Quarterly	...	0	17	6
	Single entertainment	...	0	5	0
Ditto (when the proceeds go wholly to charity).					Free
To hold an open-air dance	Single entertainment	...	0	2	6

THIRD SCHEDULE.

FORM 1. (*First Schedule, Part I, paragraph 1.*)

VALUATION LIST.

Name of Street.	No. of House.	Description of Building.	Name of Owner.	Name of Occupier.	Previous Annual Value (if any).	Annual Rateable Value.	Remarks.

FORM 2. (First Schedule, Part I, paragraph 2).

DECLARATION AS TO YEARLY RENT OF BUILDING.

Name I,of.....do
 hereby declare that the rent payable
 Building by/to me in respect of the building
 No..... in
 Rented from Street,.....rented/let by me
 me/to..... is
 or let to..... at the rate of.....per annum
 Declared.....19.....
 Rent per annum.....
 Date.....19..... *Signature or mark of Declarant.*

Before me
Valuer.

FORM 3.
THE TOWN RATE.

Section 83.

An assessment for the Town Rate of Bo Town made by the Bo Town Council this.....
day of....., 19....., at the rate of.....pence in the pound.

	Arrears due or if excused.	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Annual Value.	Rate at d. in the Pound.	Receipt Numbers.
	£ s. d.						£ s. d.	£ s. d.	
1									
2									
3									
4									

NOTE.—The properties listed in this Form shall be listed in the same sequence as in Form 1.