

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 5 of 1980

TO PUT INTO EFFECT the Resolution of the Representative Assembly No. 1 of 1980, passed the 14 day of February 19 80 .

MADE by the Resident Commissioners under the provisions of Article 2(2) of the Anglo-French Protocol of 1914 and Article 28(3) of the Schedule to the Exchange of Notes made at London the 15th day of September 1977 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic.

Scheduled Resolution put into effect.

1. The Resolution of the Representative Assembly No. 1 of 1980, set forth in the Schedule is hereby put into effect.

Short title and commencement.


2. This Joint Regulation may be cited as the **Representative Assembly (Delegation of Powers) (Repeal) Regulation 1980** and shall have effect from the **date of signature**.

ENACTED at Vila this 30 day of April 1980

Delegate Extraordinary for the French Republic in the New Hebrides,


J.J. ROBERT

Her Britannic Majesty's Resident Commissioner,


A.C. STUART

SCHEDULE

NEW HEBRIDES
REPRESENTATIVE ASSEMBLY

RA3/D/1-P (Am.2)
13 February 1980
Original: English

DRAFT RESOLUTION NO.1 OF 1980

Providing for delegation of powers to the
General Committee of the Representative
Assembly

The Representative Assembly at its sitting on the
.....^{14th}.....day of February 1980, hereby
resolves and decides, in accordance with Articles 23 and 35.2
of the Schedule to the Exchange of Notes of 15th September
1977, to adopt the following measures:-

SECTION 1. The Representative Assembly (Delegation of
Powers) Regulations No 7 and 9 of 1979 and the
Representative Assembly (Delegation of Powers)
(Amendment) Regulation No. 16 of 1979 are
repealed.

Put by: Hon. Minister George A. KALKOA

REPUBLIC OF VANUATU

THE MUNICIPALITIES ACT NO 5 OF 1980

Arrangement of Sections

PART 1 - MUNICIPAL COUNCILS

1. Declaration of Municipalities.
2. Municipal Councils.
3. Composition of Councils.
4. Municipal seal.
5. Election of Councillors.

PART 2 - TERM OF OFFICE AND ELECTION OF COUNCILLORS

6. Term of Office of Councillors and elections.
7. Disqualification for election or appointment as councillor.
8. Acts valid despite defects in election or appointment.
9. Vacation of office.
10. Filling of vacancies.

PART 3 - MEETINGS OF COUNCILS AND COMMITTEES

11. Standing Orders.
12. Meetings of the Council.
13. Chairman of meetings of a council.
14. Proceedings of a council.
15. Minutes of Council and Committee Meetings.
16. Committees of Councils.
17. Finance Committee.

PART 4 - OFFICERS AND STAFF

18. Municipal Clerk.
19. Other officers.
20. Dismissal of Clerk.
21. Power to engage staff.
22. Staff regulations.
23. Pension Schemes.

PART 5 - DUTIES AND POWERS OF COUNCILS

24. General duties.
25. General powers.
26. Contracts.
27. Agent for Government.

PART 6 - LAND, STREETS AND PUBLIC PLACES

28. Interests in land.
29. Acquisition of interests in land.
30. Power of sale and lease of interests in land.
31. Control of roads, streets, etc.
32. Closure of roads and open spaces.
33. Compensation and betterment.
34. Provisions relating to traffic.

PART 7 - BYE-LAWS

35. Power to make bye-laws.
36. Procedure relating to bye-laws.
37. Bye-laws not to conflict with Acts, Joint Regulations or orders.
38. Publication of bye-law.
39. Penalty for Contravention of bye-laws.
40. Power to enforce making of bye-laws.

PART 8 - REVENUE AND EXPENDITURE

41. Financial Year.
42. Division of Municipality budget into recurrent and extraordinary parts.
43. Recurrent Revenue.
44. Extraordinary Revenue.
45. Expenditure.
46. Capital and renewal account.
47. Power to raise loans.
48. Temporary loans.
49. Investment of funds.
50. Annual Estimates.
51. Incurring expenditure not in accordance with estimates.
52. Bad Debts.
53. Accounts.
54. Audit.
55. Inspection of accounts.
56. Financial orders and tender board orders.
57. Rates.

PART 9 - INSPECTION, DISALLOWANCE, SURCHARGE AND SUSPENSION

58. Inspections.
59. Disallowance and surcharge.
60. Inquiries and suspension.
61. Reduction or refund of grants.

PART 10 - MISCELLANEOUS

62. Financial interest of councillors.
63. Representation of a council in courts.
64. Entry to premises.
65. Power of officers to require persons to give name and address.
66. Immunity from proceedings.
67. Bye-laws applicable to sub-divided municipality.
68. General penalty.
69. Transitional Election Arrangements.
70. Repeal and Savings.
71. Commencement.

SCHEDULE

POWERS

REPUBLIC OF VANUATU

THE MUNICIPALITIES ACT NOS OF 1980

To provide for the establishment of Municipalities, elections to Municipal Councils, the powers of Municipalities and other matters related thereto.

Be it enacted by the President and Parliament as follows :-

PART 1 - MUNICIPAL COUNCILS

Declaration
of
Municipalities.

1. The Minister may by order -
 - (a) declare any area to be a municipality;
 - (b) give a name to a municipality;
 - (c) define the boundaries of any municipality and alter such boundaries;
 - (d) declare that any area shall cease to be a municipality.

Municipal
Councils.

2. (1) In every municipality there shall be established by the Minister, by order, a municipal council which shall perform such duties and may exercise such powers as are imposed or conferred on such council by this or any other Act.
- (2) Every Council shall be a body corporate by the name of the municipal council with perpetual succession and power -
 - (a) to sue and be sued in its corporate name; and
 - (b) to purchase, acquire, hold, manage and dispose of movable and immovable property.

Composition
of
Councils.

3. The Minister may from time to time by order -
 - (a) prescribe the composition of a council and the number of councillors;
 - (b) divide a municipality into territorial wards and vary the boundaries of any such wards;
 - (c) prescribe the number of councillors to be elected in respect of each ward;
 - (d) provide for the election of a mayor who shall be chairman of the council;
 - (e) provide for the election of a deputy mayor or mayors from among the councillors;
 - (f) prescribe the terms and conditions of office of councillors including the Mayor and the Deputy Mayor;
 - (g) provide for any other matter not hereinbefore specified which may be necessary for the proper establishment of a council.

4. Every council shall have a seal of a design approved by such council which shall be kept in the custody of the Clerk to the Council.
5. (1) Where by any order made under the provisions of section 3 provision is made for the election of councillors, such election shall be held in accordance with orders made under the provisions of section 6.
- (2) The election of any person as Mayor, Deputy Mayor or as a councillor shall be notified in the Gazette.

Provided that an omission so to do shall not invalidate any such election.

PART 2 - TERM OF OFFICE AND ELECTION OF COUNCILLORS

6. (1) Councillors shall be elected for a period of four years and together with any councillor elected at a by-election shall retire together at the end of such period.
- (2) Subject to the provisions of this Act the Minister may by order provide for the regulation and conduct of elections to be held under the provisions of this Act and, without prejudice to the generality of the foregoing, may provide for :-
- (a) the date for election of councillors provided that if the Minister fails so to do the election shall take place on a date that is one calendar month before the end of the term of office of the councillor presently in office. If the date is a Saturday, Sunday or public holiday the election shall take place on the next preceding day that is not one of those days;
 - (b) the qualifications and disqualifications of electors;
 - (c) the registration of electors in any municipality or in any territorial ward of any municipality;
 - (d) the ascertainment of the qualifications of electors and candidates for election as councillors;
 - (e) the method of making and disposing of claims or objections in connection with the registration of electors;
 - (f) the procedure for the nomination of candidates for election as councillors;
 - (g) the method of election in any municipality or in any territorial ward of any municipality;

- (h) the determination of any question which may arise whether any person has been elected as a councillor;
- (i) the nature of corrupt and illegal practices in connection with elections and penalties in relation thereto;

Provided that no penalty prescribed by any order made under this paragraph shall exceed imprisonment for a period of 5 years or a fine of FNH100,000 or both such imprisonment and fine;

- (j) such forms as he may consider necessary to be used in connection with elections.

disqualification
for election
as
councillor.

7. (1) A person shall be disqualified for election as a councillor if he -

- (a) is a Minister;
- (b) is disqualified from being a member of Parliament;
- (c) is the legal advisor or auditor of the council or the partner or employee of such advisor or auditor;
- (d) is in the service of the council;
- (e) being a person engaged in a profession, is disqualified for or suspended from the practice of such profession;
- (f) is in default of payment of any rates, charges or other debts due to the council for a period exceeding two months after the same shall have become due;
- (g) is a person having a contract with the Council to provide Municipal services.

acts valid
despite defects
in election or
appointment.

8.

All acts of a council or of any person acting as mayor, deputy Mayor, councillor Clerk or other municipal officer, as the case may be, shall, notwithstanding that it be discovered that there was some defect in the election or appointment of any such person or that he was disqualified or unqualified for election or appointment, be as valid and effectual as if such person had been duly elected or appointed and qualified.

disqualification
of
office.

9.

If any councillor -

- (a) is found to have been unqualified or disqualified for election to a council;
- (b) does, or permits or suffers any act, matter or thing which would, under the provisions of Section 7 disqualify him for election;
- (c) resigns from the council;

- (2) In no case shall any act of any committee of a council be binding upon the council until submitted to and approved by the council except in any case where the council has, by resolution, authorised a committee to manage, regulate or conclude any matter.
- (3) The number of members of a committee, the term of office of members and the area of the municipality, if any, within which such committee is required to exercise authority, shall be fixed by the council.
- (4) The chairman of any such committee shall be a councillor who shall be appointed either by the council or, in default of such appointment, by the members of the committee from among their number. The members of any committee may also appoint a deputy chairman from among their number.
- (5) A committee, other than a finance committee, may include persons who are not councillors to a number not exceeding one-third of the membership of such committee and any such persons shall be entitled to vote at meetings of such committee.
- (6) Every member of a committee of a council who at the time of his appointment to such committee is a councillor shall, upon ceasing to be a councillor, cease to be a member of such committee.

- Finance
Committee.
17. Every council shall appoint a finance committee for the purpose of regulating and controlling the finance of the council, consisting of such number of councillors as the council may determine.

PART 4 - OFFICERS AND STAFF

- Municipal
Clerk.
18. (1) A council shall appoint a fit person, not being a councillor, to be Clerk upon such terms and conditions as it may determine.
- (2) The Clerk shall be the chief officer of the council and shall have the charge and custody of and be responsible for all books, records and other documents of the council.
- (3) The Clerk may, subject to the general directions of the council, exercise the powers of the council and all acts done by him in the exercise of such powers shall be considered to have been done by the council.
- (4) The appointment of a person as Clerk and the terms and conditions of such appointment shall in all respects be subject to the approval of the Minister.

Other
officers.

19. (1) A council may appoint fit persons, not being councillors, respectively to be Treasurer, Medical Officer of Health and Engineer upon such terms and conditions as it may determine.

- (2) A council may appoint such other officers as it may consider necessary for the proper performance of the functions of the council upon such terms and conditions as it may determine and may define the powers and duties of such officers.

Dismissal
of Clerk.

20. The Clerk shall not be dismissed from office without the consent of the Minister.

Power to
engage staff.

21. A council may from time to time employ on such terms and conditions as it may determine such agents, servants and workmen as may be necessary for the proper performance of the functions of the council.

Staff
regulations.

22. (1) A council shall make internal regulations, to be known as "staff regulations", which subject to the provisions of this Act, may make provision for all or any of the following matters relating to persons in the service of the council -

- (a) grades and salary scales;
- (b) appointments, promotions, leave, termination of appointments and dismissals;
- (c) maintenance of discipline;
- (d) disciplinary offences;
- (e) interdiction and payment of salary or wages during any period of interdiction;
- (f) punishments in respect of disciplinary offences including the withholding or deferment of increments, fines, reductions in rank or salary and deductions from salary in respect of damage to property of the council by reason of misconduct or breach of duty by an officer, servant or employee;
- (g) training;
- (h) payment of allowances and the making of advances; and
- (i) terms and conditions of service generally, including matters relating to procedure and the duties and responsibilities of officers, servants and employees.

- (2) Staff regulations made under the provisions of subsection (1) shall be subject to the prior approval of the Minister in writing.

Pension
Schemes.

23. (1) A council may -

- (a) establish and maintain or join with other councils or authorities in establishing and maintaining a pension or superannuation scheme;

(b) contribute to a pension or superannuation scheme established and maintained by the Government; or

(c) make other arrangements;

for the payment of pensions or superannuation benefits to persons retiring from the service of the council, or to any dependant of any deceased person who at the time of his death was in or had retired from the service of the council.

- (2) A scheme or arrangement established or made, or into the establishment and maintenance of which a council has joined, or to which a council contributes under the provisions of subsection (1) may make provision for a contribution by the council or by persons in the service of the council to whom such scheme or arrangement applies or by both the council and such persons to a fund controlled by the council or by some other person approved by the Minister for such purpose.
- (3) A council may establish and maintain or join with other councils or authorities in establishing and maintaining or otherwise arrange for a provident fund scheme for the benefit of persons retiring from the service of the council who are not entitled to or eligible for the payment of a pension or superannuation benefit under the provisions of subsection (1).
- (4) A council may establish and maintain a scheme for the payment of gratuities, retiring allowances or other benefits to persons who retire from the service of the council or to any dependants of any deceased person who at the time of his death was in or had retired from the service of the council, and any such scheme may be in addition to or in lieu of any scheme or arrangement made under the provisions of subsection (1) or subsection (3).
- (5) A scheme established under the provisions of subsection (4) may, in addition to any other provisions, provide for the payment of compensation for loss or abolition of office arising from reorganisation, redundancy or any other cause whatsoever.
- (6) Every scheme or arrangement under the provisions of this section shall be subject to the prior approval in writing of the Minister.
- (7) No pension, provident fund payment, gratuity or other allowance or benefit payable under the provisions of this section shall be assignable or transferable or liable to be attached or levied upon for or in respect of any debt or claim except a debt due to or a claim made by the council.

PART 5 - DUTIES AND POWERS OF COUNCILS

morals,
ties,

24. (1) Subject to and in accordance with the provisions of this Act relating to the duties of a council, it shall be the duty of the council -
- (a) to control, manage and administer the municipality;
 - (b) to safeguard public health;
 - (c) to develop, control and manage land taken on lease from any statutory land authority including any housing estates thereon; and
 - (d) to administer educational, medical and health services as the Minister may after consultation with the responsible Minister by order declare.
- (2) If the Minister is satisfied that a council is incapable by reason of insufficiency of staff or facilities, of administering any of the services referred to in subsection (1) (d) he may, by order, direct such council to appoint the Government as its agent for the purpose of administering such service and such service shall thereafter be administered by the Government at the expense of such council.

General
powers.

25. (1) Subject to subsection (2) and to any law specifically providing for any matter, a council may, in addition to any powers for which specific provision is made by this or any other law, exercise all or any of the powers contained in the Schedule.
- (2) The Minister may, in relation to any particular council, by order, restrict the exercise of its scheduled powers.
- (3) The Minister may, by order, from time to time vary the Schedule.

Contracts.

26. (1) Subject to the provisions of subsection (2), to any order made under section 56 and to any conditions or limitations imposed by its standing orders, a council may enter into contracts for the purpose of any works, services or other matters which it is required or empowered to undertake, carry out or manage.
- (2) Except as may be permitted by its standing orders a council shall not enter into any contract -
- (a) for the supply of any goods or materials; or
 - (b) for the execution of any works or provision of any services, other than professional services, to or for the council,

except after publicly calling for tenders for the same.

- (3) A contract purporting to be made by a council which is -
- (a) sealed with the seal of the council; or
 - (b) signed by an officer of the council duly authorised in that behalf by any resolution or standing order of the council,

shall not be invalid by reason only of any failure to observe any standing order made under the provisions of this Act.

Agent for
Government.

27.

At the request of the Minister, a council may -

- (a) act as the agent of the Government for the collection of Government revenue upon such terms and conditions as to payment of commission or otherwise as may be agreed; or

- (b) perform and do such other acts, matters and things on behalf of the Government as may be agreed.

PART 6 - LAND, STREETS AND PUBLIC PLACES

- ests
nd.
28. All interests in land acquired by a council shall be held in the name of the council.
- sition
interests
and.
29. (1) A council may, with the consent of the Minister acquire, any interest in or over land, whether within or outside the municipality, for the purpose of any of its functions.
- (2) The consent of the Minister shall not be required in respect of the acquisition of any interest, any lease of or easement over any land vested in a statutory land authority.
- er of
e and lease
interests in
30. (1) A council may, with the consent of the Minister-
- (a) sell any lease or interest in land of the council which is not required for the purpose for which it was acquired or is being used;
- (b) exchange any lease or interest in land of the council for another lease or interest whether with or without paying or receiving any money for equality of exchange.
- (2) Where any lease or interest in land of a council is sold or exchanged the proceeds of such sale or exchange shall be credited to the capital account of the council or otherwise applied in such manner as the Minister may approve.
- (3) Subject to the provisions of the Land Reform Act a council may sublease or permit the use by any person of any land leased by the council
- ontrol of
is,
eets, etc.
31. (1) A council shall have the general control and care of all roads, including any streets or bridges, other than those maintained by the Government of all public open spaces and of all gardens, parks and other enclosed spaces within the municipality which have been or shall at any time hereafter be set apart and appropriated for the use of the public and the same shall be vested in the council for the use and benefit of the inhabitants of the municipality:
- (2) Subject to the Constitution and any law the Minister responsible for the administration of roads may from time to time by order declare that all or any of the roads, including any streets or bridges, maintained by the Government which lie within a municipality shall be under the general control and care of the council and thereupon such roads, streets or bridges shall be held by the council for the use and benefit of the inhabitants of the municipality.

- (3) A council may -
- (a) make, construct, alter, repair and, if necessary temporarily close all roads, streets, bridges, ferries, sewers, drains and culverts vested in the council or under its control;
 - (b) make new roads, streets, bridges, open spaces, ferries, dams, sewers, drains and culverts within the municipality; and
 - (c) if necessary, for any of the purposes mentioned in paragraph (b), carry sewers, drains and pipes through and across any land after giving notice to the owner or occupier of any such land.
- (4) A council may erect and maintain on any land leased, held or occupied by the council buildings for public purposes, and may set apart any such land for any purpose which the council may from time to time determine.

32.

- (1) Subject to the provisions of subsection (2) a council may divert or close or alter any road, street or thoroughfare or any public open space or garden, park or other enclosed space leased, held or occupied by the council.
- (2) The following provisions shall apply to the exercise by the council of the powers contained in subsection (1) -
- (a) no such power shall be exercised except in pursuance of a resolution of the council or on a motion of which not less than fourteen days notice has been given to councillors;
 - (b) the council shall prepare a plan showing the nature of the closure, diversion or alteration proposed and shall give notice in the Gazette and in one or more newspapers if any, circulating in the municipality as well as by placing such number of placards as it may deem necessary on or near the road, street, thoroughfare, public open space, garden, park and other enclosed space which it is proposed to close, divert or alter -
 - (i) of its intention, after the expiration of one month from the date of publication of such notice in the Gazette to carry out such closure, diversion or alteration;
 - (ii) specifying the place and times during which such plan shall be open for inspection by the public;
 - (c) the council shall cause a copy of such notice to be served by post -
 - (i) upon all persons known to be custom owners or their acknowledged representatives and on all persons registered under the law as proprietors

- of an interest in any lands contiguous with such road, street, thoroughfare, public open space, garden park or other enclosed space; and
- (ii) upon the Minister;
- (d) if -
 - (i) any person mentioned in paragraph (c); or
 - (ii) any other person aggrieved by such proposed closure, diversion or alteration, at any time within the period mentioned in paragraph (b) serves notice in writing on the Clerk of any objection to such closure, diversion or alteration, then unless such objection is withdrawn such closure, diversion or alteration shall not be carried out without the consent of the Minister;
 - (e) the Minister may, of his own motion, or on an application made by the council, appoint one or more persons to enquire into the proposed closure, diversion or alteration and to report thereon and on receiving such report the Minister may make an order disallowing such closure, diversion or alteration or allowing the same with or without such modifications as he may deem necessary.
- (3) Nothing in this section shall be construed so as to confer upon a council -
- (a) any power for the compulsory acquisition of any interest in land; or
 - (b) any power to undertake works in contravention of any scheme under any law providing for urban or rural planning.
- (4) Notwithstanding the provisions of subsection (2) a council may, on such days, not exceeding twelve days in any one year nor four consecutive days on any one occasion, as it may think fit -
- (a) close to the public any public open space, garden, park or other enclosed space; and
 - (b) use, or permit the use, with or without payment by any other person of any such place for any agricultural, charitable, educational, horticultural or public purpose or for any trade exhibition; and
 - (c) limit or permit such other person to limit the right of admission to any such place to any person or class of persons; and
 - (d) charge for admission to any such place or authorise any such person permitted the use of such place so to charge.

ation
betterment.

33. (1) Any person who is the owner of any land or interest in land which is injuriously affected by the execution of any works under the provisions of sections 31 or 32 shall, if he makes a claim within one year of the date of completion of such works, be entitled to recover as compensation from the council executing such works the amount by which the value of such land or interest in land has diminished or the amount of any damage suffered by such owner not amounting to a diminution in value.
- (2) Where by the execution of any works mentioned in subsection (1), any land affected by such works is increased in value, the council may, within one year of the date of completion of such works, recover from the owner of such land the amount of such increase.
- (3) A sum recoverable under the provisions of subsection (2) may be set off against a claim made under the provisions of subsection (1).
- (4) The Minister may by order provide for -
- (a) the manner in which claims for compensation and betterment under this section shall be made;
 - (b) the determination and disposal of claims under this section;
 - (c) any other matter necessary to be prescribed for the purposes of this section.

visions
relating to
traffic;

34. Subject to the provisions of any traffic laws a council may -
- (a) erect, place and maintain upon any public road, street, or bridge, such refuges, shelters, islands, fences, posts, notices; signs or lights as may be necessary for the safety, guidance and direction of vehicular traffic or pedestrians;
 - (b) set aside, use, authorise for use or forbid as a parking or stopping place for vehicles or any class of vehicles, any street or part thereof or any open space.

PART 7 - BYE-LAWS

ver to
ce
-laws.

35. (1) Subject to the provisions of this Part a council may from time to time make bye-laws in respect of all such matters as are necessary or expedient for -
- (a) the maintenance of the health, well-being and safety of the inhabitants of the municipality; or
 - (b) for the good order and government of the municipality; or
 - (c) for the prevention and suppression of nuisances in the municipality.

- (2) In particular, and without prejudice to the generality of subsection (1) a council may make bye-laws necessary for carrying out the powers conferred upon the council by this or any other law and for such additional purposes as may be prescribed by the Minister.
- (3) Bye-laws made under the provisions of this section may apply to the whole or any part of the municipality.

procedure
relating to
bye-laws.

36.

- (1) The following provisions of this section shall apply to all bye-laws of a council made in exercise of the powers conferred by this or any other law.
- (2) The council shall -
 - (a) publish in the Gazette a notice of its intention to make a bye-law and by such notice invite representations in writing from any person who objects to the making of such bye-law;
 - (b) cause a copy of such notice and of the proposed bye-law to be exhibited for a period of one month in a prominent place at or near the main entrance to the offices of the council.
- (3) After the end of one month from the date on which the copy of a proposed bye-law was first exhibited in accordance with the provisions of subsection (2) the council shall forward to the Minister -
 - (a) a copy of the proposed bye-law;
 - (b) a copy of any written representations from any person who objects to the making of the bye-law; or
 - (c) where no representations have been received a statement to that effect signed by the Clerk.
- (4) The Minister may approve, alter or reject any proposed bye-law.
- (5) Where the Minister approves, whether with or without alteration, a proposed bye-law, the council shall make such bye-law only in accordance with the terms of such approval.
- (6) Every bye-law, shall be made under the seal of the council which shall be affixed in the presence of the Mayor or Deputy Mayor, the Clerk and one other Councillor all of whom shall sign the bye-law.

37.

Bye-laws not
in conflict
with Acts,
Joint Regulations
or orders.

Nothing in this Act shall empower a council to make any bye-law which is in conflict with or derogates from the provisions of any Act, Joint Regulation or order for the time being in force in Vanuatu and to the extent that any bye-law conflicts with or derogates from any such Act,

Regulation or order it shall be void and of no effect.

- tion
38. Every bye-law shall be published by notification in the Gazette and shall have the force of law in the municipality as from the date of such publication or, if a later date is provided in such bye-law, as from that date.
39. (1) A bye-law may provide that in respect of any contravention of or failure to comply with any of the provisions thereof the person convicted of such contravention or failure shall be liable to a fine, not exceeding FNH 20,000 or to a period of imprisonment not exceeding 12 months.
- (2) In addition to the penalties for which provision is made by subsection (1) a bye-law may provide that any expenses incurred by the council because of any contravention of or failure to comply with any of the provisions thereof shall be recoverable by the council from the person convicted of such contravention or failure.
- er to
orce
ing of
-laws.
40. (1) If the Minister is satisfied that a council is not making adequate bye-laws under the provisions of section 35 he may direct the council to make such bye-laws as he shall specify.
- (2) If a council having received a direction under subsection (1) fails, within such time as the Minister considers in the circumstances to be reasonable, to obey such direction, the Minister may make bye-laws to the effect specified in such directions and for that purpose he may exercise all the powers conferred upon the council under the provisions of section 35.

PART 8 - REVENUE AND EXPENDITURE

- ncial
41. The financial year of a council shall be a period of 12 calendar months commencing on 1st day of July.
- Division of
unicipality
get into
urrent and
xtraordinary
42. (1) Items of revenue and expenditure which by their nature appear unlikely to recur each year shall be included in the extraordinary part of a municipality budget.
- urrent
enue.
43. (1) The recurrent revenue of a council shall consist of -
- (a) all rates lawfully levied by the council;

- (b) such part as the Minister may determine of any fees and charges payable in respect of licences and permits which have been lawfully issued or authorised for issue by the council, whether under this or any other law;
- (c) all other fees, charges, rents and dues payable to or recoverable by the council or to which the council is entitled under the provisions of this or any other law;
- (d) one-half of all fines imposed by a court of competent jurisdiction within the municipality in respect of any contravention of or failure to comply with the provisions of any Municipal bye-law;
- (e) except as may be otherwise prescribed by the Minister, all charges or profits arising from any trade, service or undertaking carried on by the council in exercise of the powers vested in it;
- (f) interest on moneys invested by the council except where other provision is made in respect thereof under the provisions of this or any other law;
- (g) all recurrent grants paid by the Government;
- (h) all rents from lands leased by the council;
- (i) such other revenues as the Minister may declare in writing to be revenues for the purposes of this section.

44. The extraordinary revenue of a Municipal Council shall consist of -

- (a) special grants paid to it by Government;
- (b) loans;
- (c) gifts and legacies;
- (d) proceeds from sale of municipal property;
- (e) any other unusual or temporary income.

45. A council may, subject to the provisions of this or any other law expend moneys in the proper exercise of its duties and powers and in the proper performance of matters necessarily incidental thereto or arising therefrom, and for the purpose of meeting its lawful debts and obligations.

46. It shall be the duty of every council to keep such capital, renewal and other special accounts as the council may consider necessary, or as the Minister may, after consulting the Minister responsible for Finance and the council, direct, and to make provision to the satisfaction of the Minister for the annual setting aside by the council of amounts necessary to create adequate funds in such accounts.

fer to
loans.

47. (1) A council may from time to time, with the prior consent in writing of the Minister, raise loans by way of mortgage, issue of stock, or any other method, in such amounts and on such conditions as the Minister may approve and all such loans shall be charged upon the revenues and assets of the council and shall rank equally without priority.
- (2) Any financial liability to the Government lawfully incurred by a council for the purpose of acquiring any interest in land or any work schemes, undertakings or assets from the Government, and not discharged by immediate payment, shall be deemed to be a loan granted by the Government.

Temporary
loans.

48. Where a council has lawfully incurred expenditure which has been approved in the estimate of the council, it may -
- (a) pending the receipt of moneys in respect of revenue; or
- (b) pending the raising of a loan under the provisions of section 47 to which the Minister has consented,

obtain advances of money by way of temporary loan or over-draft for the purpose of defraying such expenditure, and any such advance and the interest thereon shall constitute a debt due by the council and be charged upon the assets and revenues thereof and until repaid shall rank as if it were a loan raised under section 47.

Investment
of
funds.

49. Any of the moneys of a council may be -
- (a) deposited in a bank approved in writing by the Minister responsible for finance;
- (b) invested in Vanuatu Government securities as provided for in the Central Bank of Vanuatu Act; or
- (c) in such other manner as the Minister responsible for Finance may approve.

Annual
Estimates.

50. (1) Every council shall on a date which, in default of appointment by the Minister, is not later than two months before the commencement of the financial year, pass detailed estimates, in such form as the Minister may approve, of the revenue and expenditure of the council for the ensuing year.
- (2) The estimates of a council shall be submitted to the Minister who may subject to the provisions of subsection (3) and after consultation with the Minister responsible for finance -
- (a) approve such estimates without amendment
- (b) disallow or amend any item or any part of any item therein which, in his opinion, is unlawful, excessive or unnecessary; or
- (c) disapprove such estimates.

- (3) The power of disallowance, amendment or disapproval conferred on the Minister by the provisions of subsection (2) shall not be exercised by the Minister until he has allowed the council an opportunity of making representations on any proposed disallowance, amendment or disapproval.
- (4) As soon as is reasonably possible after the Minister has approved the estimates of the council, whether with or without amendment a copy of such estimates shall be deposited in the offices of the council and shall at reasonable hours be open to public inspection without payment.
- (5) Where additional financial provision is required during the course of any year supplementary estimates shall be passed, submitted and otherwise dealt with in the same manner as estimates.
- (6) A summary of the estimates and any supplementary estimates as approved by the Minister shall be recorded in the minutes of the council.

irring
nditure
in
rdance
imates.

51. (1) No expenditure shall be incurred by a council unless it can be properly charged to an item in the approved estimates or in approved supplementary estimates.
- (2) Subject to the provisions of any orders made under section 56 and notwithstanding the provisions of subsection (1) and section 50 (5) a council may by resolution authorise the expenditure of not more than FNH 200,000 or twenty-five per centum, whichever is the less of funds appropriated for any one purpose in approved estimates, on any other purpose therein contained.
Provided that no expenditure on such authorisation shall take place without the consent of the Minister -
 - (a) for any purpose in respect of which provision has not been made in the approved estimates; or
 - (b) for any purpose the proposed expenditure on which has been reduced by the Minister.
- (3) Notwithstanding the provisions of subsection (1) of this section, a council may -
 - (a) prior to the approval of its estimates, authorise expenditure on recurrent items to an amount not exceeding half that provided in the approved estimates for the preceding year; and
 - (b) prior to the approval of its estimates or any supplementary estimates, grant to its officers, servants and employees any normal increase of salary or wages in accordance with approved scales.

pts.

52. A council may authorise the writing off as irrecoverable of any sum due by any person to the council on -

- (a) the ground that such person has insufficient means to pay such sum; or
- (b) any other ground which seems sufficient to the council,

to the extent and in the manner prescribed in the standing orders of the council.

nts.

53.(1) A council shall cause proper books and accounts to be kept and true regular records entered therein of all financial transactions of the council.

- (2) Subject to any directions of the Minister, such books and accounts shall be kept in such form and by such method as the council may approve.

it.

54. (1) The Auditor General or a person approved by him and appointed by a council shall be the auditor of the council, at such rate of remuneration as the council may determine for the purpose of auditing and reporting on the accounts of the council.

- (2) If the Auditor General directs the council shall reimburse to the Government such sum in respect of the Auditor General's expenses as the Minister may fix.

(3) The council shall -

- (a) produce to the auditor within three months of the conclusion of the year to which they relate all the books and accounts of the council together with all deeds, contracts, documents, receipts and vouchers relating thereto;
- (b) permit the auditor to inspect all stores and other assets of the council as he may require; and
- (c) give to the auditor such information, explanations and facilities as he may require to be given to enable him to perform the duties of an auditor.

(4) It shall be the duty of the auditor to report to the council not less than once in each year separately in respect of each of the following matters, that -

- (a) he has obtained all such information, explanations and facilities as he may have required to be given to enable him to perform the duties of an auditor;
- (b) the accounts of the council are in order and present a true view of the financial position of the council;

- (c) separate accounts of all undertakings and other accounts required to be kept by the provisions of this Act have been kept;
 - (d) due provision has been made for redemption and repayment of all moneys borrowed by the council;
 - (e) such provision as may be required under the provisions of this Act has been made for depreciation or renewal of the assets of the council.
- (5) In addition to the report required under subsection (4) the auditor shall report to the Minister and to the Minister responsible for Finance and to the council any matter or thing which is discovered during the course of the audit and which appears to have been done or performed without due authority.
- (6) The Clerk shall -
- (a) within thirty days of the receipt of the auditors report on the accounts of the council for any year submit the accounts together with such report to the Minister; and
 - (b) lay the accounts of the council for each year together with the auditor's report thereon before the council within thirty days of the receipt of such report, or if the council is not sitting, at its next meeting;

and thereafter such extracts from such accounts and such reports as the Minister may approve shall be deposited in the offices of the council and shall at all reasonable hours be open to public inspection without payment. A notice of such deposit shall be published in the Gazette.

Inspection of
accounts.

55. A copy of every account or part of an account of a council which is subject to audit, duly made up and balanced, shall, for 7 clear days before the audit, be open at all reasonable hours to the inspection of all persons ordinarily resident within the municipality, and any such person shall be at liberty to make copies of or extracts from such accounts without payment.

Financial
orders and
order board
orders.

56. (1) The Minister may after consultation with the Minister responsible for finance make orders not inconsistent with any of the provisions of this Act for the purpose of :-
- (a) controlling and managing the financial business of councils;
 - (b) regulating the procedure and duties of the treasurers, and accounting staff of councils;
 - (c) providing for the receipt, safe-handling, recording, safe custody and disposal of cash or stores;

- (d) empowering councils to surcharge members of their staff responsible for loss of money or loss of or damage to stores and providing for the manner in which surcharges shall be made; and
 - (e) regulating the procedure for dealing with tenders;
 - (f) requiring contracts made by councils to be in accordance with such orders and in particular requiring in the case of contracts for the supply of goods or materials or for the execution of works to the value of FNH 150,000 or more or such higher minimum value as the Minister may specify in respect of any council or councils, that notice of the intention of the council to enter into the contract shall be published and tenders invited and regulating the manner in which such notice shall be published and such tenders accepted; and
 - (g) generally for carrying the provisions of this Part into effect.
- (2) Orders made under this section may be applied either generally or with respect to any particular council and shall be observed and obeyed by the council to which they apply.

Rates.

X 57.

The Minister may after consultation with the Minister responsible for land matters by order provide for -

- (a) the manner of assessment of rates that may be levied by councils; and
- (b) the method of levying such rates.

PART 9 - INSPECTION, DISALLOWANCE, SURCHARGE AND SUSPENSION

Inspections.

58. (1) The Minister may at any time, by notice published in the Gazette, appoint any person to be an inspector for the purpose of inspecting the observance and performance of a council of the duties and powers imposed or conferred upon it by the provisions of this Act or any other law.
- (2) An inspector may -
- (a) attend any meeting of the council or any committee of the council;
 - (b) upon giving due notice to the Clerk of his intention so to do, inspect any books, records, documents, contracts, stores or other assets and any undertaking of the council.
- (3) An inspector shall report to the Minister the result of any inspection made by him.

allowance
surcharge.

59. (1) If, on receipt of the report of the auditor or an inspector, the Minister is satisfied that any expenditure has been incurred without proper authority he may either sanction or disallow such expenditure and if he disallows such expenditure, he may, subject to the provisions of section 65 by directive in writing surcharge any person responsible for such expenditure for the whole or any part thereof.
- (2) If, on receipt of the report of an auditor or an inspector, the Minister is satisfied that -
- (a) any failure to collect money due to the council; or
 - (b) any loss of money or property; or
 - (c) any damage to property;
- has occurred by reason of any wilful or wrongful act or any negligence by any councillor or person in the service of the council, the Minister may, subject to the provisions of section 66 by order in writing surcharge such councillor or person for the whole or any part thereof.
- (3) Any sum surcharged on any person under the provisions of this section shall be a debt to the council and shall be payable by such person within one month, or such longer period as the Minister may approve of the date of service upon him of the order of the Minister.
- (4) Any person aggrieved by an order of surcharge may appeal to the Supreme Court which may confirm, set aside or vary such order and the decision of which shall be final.
- (5) The Chief Justice may make rules providing for the manner in which appeals under this section shall be made and the procedure on the hearing of any such appeals.

Inquiries and
suspension.

60. (1) If the Minister -
- (a) has cause to suspect that a council has failed to observe and perform any of the duties and powers conferred or imposed upon it by the provisions of this or any other law; or
 - (b) has cause to suspect that a council has done or performed any act, matter, or thing without due authority; or
 - (c) is otherwise of the opinion that an investigation should be made into the affairs of a council,
- he may in his discretion, appoint a person or persons to inquire into such matter.
- (2) If upon an inquiry under this section the Minister is satisfied that the council has done or suffered any of the acts, matters and things contained in paragraphs (a) and (b) of subsection (1), he may by directive in writing require the council to remedy the same within such time as he may by such order appoint.

(3) If a council fails to comply with the terms of a directive of the Minister made under subsection (2) or if the Minister, having appointed a person or persons to make an inquiry under subsection (1) considers it expedient so to do, the Minister may in addition to any other powers conferred upon him by the provisions of this Act -

(a) suspend the exercise by the council of any of the powers conferred upon it by this or any other Act for such period as he may think fit; or

(b) dissolve the council and, in his discretion, appoint or direct the election of new councillors,

and during such period, or, as the case may be, pending the appointment or election of new councillors, confer upon any person the exercise of any powers so suspended or of the powers of the council so dissolved.

(4) The expenses incidental to -

(a) any inquiry under this section; or

(b) the exercise of any of the powers of the council under this section,

shall be a debt due by the council to the Government and shall be paid and discharged out of the funds or revenues of the council in such manner as the Minister shall direct. Any such direction may include a direction that the expenses shall be deducted from any grant payable by the Government to the council.

61. (1) If on receipt of the report of an auditor, or of an inspector appointed under the provisions of section 58 the Minister is satisfied that any duty or power of a council is being exercised in an improper or inefficient manner the Minister may in respect of any such duty or power reduce or withhold any further grants to such council or any part of such grants until he is satisfied that the duty or power will be exercised in a proper manner.

(2) In any case where the Minister has reduced or withheld a further grant or part of such grant under the provisions of subsection (1) it shall be in the Minister's discretion at the time he restores the grant whether he restores any part of the grant that was reduced or withheld.

(3) The Minister before reducing or withholding a grant under subsection (1) shall give the council an opportunity of making representations to him why such grant should not be reduced or withheld.

PART 10 - MISCELLANEOUS

62. (1) If any councillor -

(a) has any financial interest, direct or indirect, in any contract or proposed contract or any other matter; and

Reduction
or refund
of grants.

Financial
interest of
Councillors.

(b) is present at any meeting of the council or any committee of the council at which such contract or other matter is the subject of consideration,

he shall at such meeting disclose such interest and shall not take part in any consideration or discussion of or vote on any question relating to such contract or other matter, and if the Chairman so directs he shall withdraw from such meeting during such consideration, discussion or voting.

Provided that the foregoing provisions of this section shall not apply to a financial interest which a councillor may have as a ratepayer or taxpayer only.

- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding FNH 80,000 unless he establishes to the satisfaction of the court that he did not know -
- (a) that he had a financial interest in the contract, proposed contract or other matter; and
 - (b) that the contract, proposed contract or other matter was the subject of consideration at the meeting.
- (3) No prosecution for an offence under this section shall be commenced without the consent of the Public Prosecutor.

Representation of a council in courts.

63. (1) In any prosecution by or on behalf of a council the council may, subject to any directions of the Public Prosecutor, be represented by the Clerk or by any officer of the council authorised by him in writing so to do.
- (2) Where a council is a party to any civil cause or matter the council may be represented by the Clerk.

Entry to premises.

64. The Clerk and any officer of a council authorised by him in writing may enter any premises within the municipality between the hours of 8 a.m. and 6 p.m.
- (a) for the purpose of inspecting any premises licensed under the provisions of this Act; or
 - (b) generally for the purpose of carrying out any of the duties or powers imposed or conferred upon such council.

Power of officers to require persons to give name and address.

65. (1) Any officer of a council, duly authorised in writing by the council, may require any person to give his name and address whom he reasonably suspects of having committed within the area of the municipality an offence under this Act or any other law which the council is lawfully empowered to enforce, and if any person so required fails to give his name and address or gives a name and address which the officer has reason to believe is false, he may arrest such person without a warrant.

- (2) The provisions of any law relating to Criminal Procedure shall apply in the case of a person arrested under the provisions of this section.

immunity from proceedings.

66. No act, matter or thing done or omitted by -
- (a) any councillor;
 - (b) any officer or other person in the service of a council; or
 - (c) by any person acting under the directions of a council,

shall if such act, matter or thing was done in good faith in the execution of his duty, render any such councillor, officer or person personally liable to any action, liability, claim or demand whatever.

Byo-laws applicable to subdivided municipality.

67. Whenever an area is severed from a municipality and established as a separate municipality, the Minister may, by order declare that all or any of the byo-laws or any rules in force in such area prior to such severance shall continue to apply to such area until such time as other provision is made.

General penalty.

68. (1) Any person who contravenes or fails to comply with any of the provisions of this Act or of any order made hereunder shall be guilty of an offence and, except where a penalty is specifically provided, shall be liable on conviction to a fine not exceeding FNH 20,000 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

- (2) Where any person is convicted of an offence under the provisions of subsection (1) and where such offence consists of -

- (a) failing to obtain a licence or permit; or
- (b) contravening or failing to comply with any condition, subject to which a licence or permit has been issued to such person; under the provisions of this Act or of any order made hereunder,

the court may, in addition to or in substitution for any other penalty which it may impose, cancel the licence or permit and may order that such person shall for a period not exceeding twelve months from the date of such conviction be disqualified from holding or obtaining any such licence or permit.

Transitional Election Arrangements.

69. (1) The first election after the coming into operation of this Act of councillors to the Councils of the Municipalities of Port Vila and Luganville shall take place on the 17th of December 1980 unless the Minister by Order changes that date for one or both Councils.

- (2) All things done by the Port Vila Municipal Council and the Luganville Special Commission between the coming into operation of this Act and the election referred to in subsection (1) shall be valid and effective provided that such things are done so far as is practicable in accordance with this Act.
- (3) Anything done prior to the coming into force of this Act under any Regulation or part of a Regulation repealed by this Act or otherwise for the purpose of establishing electoral rolls and preparing for an election to the Municipalities of Port Vila and Luganville after the coming into force of this Act shall be deemed to have been done and shall be as valid and effective as if done under the authority of this Act or any order made hereunder.
- (4) Subsection (3) shall also apply to the establishment of any bodies and the making of appointments provided for under this Act or any orders made hereunder. Any such bodies established or persons appointed prior to the coming into operation of this Act shall remain established and so appointed as if established or appointed under this Act or any orders made hereunder after its coming into operation.
- (5) Any things done by the bodies or persons referred to in subsection (4) prior to the coming into operation of this Act for the purposes referred to in subsection (3) shall be as valid and effective as if those bodies and persons had acted under the authority of this Act or any order made hereunder

so far as it relates to the Municipalities

repeal and savings.

- 70. (1) Joint Regulation No.1 of 1975 ^{the Rating Regulation} Joint Regulation No.26 of 1977 and Section 72 of the Election Regulation Joint Regulation No. ~~20~~ ¹⁹ of 1979 are hereby repealed.
- (2) The Municipalities of Port Vila and Luganville shall be deemed to have been established under this Act.
- (3) Persons appointed to offices in the service of the Municipalities of Port Vila and Luganville shall from the coming into operation of this Act continue in such offices.
- (4) All licences and permits granted or issued under Joint Regulation No.1 of 1975 shall remain in force for the period for which they were granted.
- (5) All orders or other subsidiary legislation made under Joint Regulation No.1 of 1975 and the Rating Regulation Joint Regulation No.26 of 1977 shall continue in operation so far as they may not be made inapplicable by this Act until they are revoked or replaced in whole or part by orders made under this Act.

(X)

Port Vila and Luganville and

commencement.

71.

This Act shall come into operation on such day as the Minister shall declare by order published in the Gazette.

SCHEDULE

(Section 25)

POWERS

Generally to do and perform all such matters and things as are necessary for carrying out the duties imposed on a council by the provisions of this Act.

To establish, acquire, erect, maintain, promote, assist and control -

- (a) systems of lighting for streets and public places;
- (b) fire services;
- (c) clinics, dispensaries, health and inoculation centres;
- (d) cemeteries, crematoria and mortuaries and ancillary services and provide for the burial of bodies of destitute persons and of unclaimed bodies;
- (e) bus stations and related office accommodation, cafes, restaurants, refreshment rooms and other buildings;
- (f) offices, stores, workshops, depots and other buildings for the purposes of the council;
- (g) public halls, libraries, art galleries and museums;
- (h) cold storage facilities and premises for the inspection or processing of milk, meat or hides and skins;
- (i) markets and piers, jetties and landing places for the use of canoes and other vessels;
- (j) botanical and zoological gardens;
- (k) public baths and swimming pools;
- (l) laundries and other places for the washing of clothes;
- (m) canteens, social centres, clubs and hostels including such facilities for employees and staff;
- (n) public lavatories and urinals;
- (o) pounds for stray animals and clinics for the treatment of sick animals;
- (p) camping and grazing grounds;
- (q) disinfecting stations;
- (r) public weighing machines;
- (s) public monuments;
- (t) sanitary services for the removal and disposal of night soil, rubbish, carcases of dead animals and all other kinds of refuse and effluent.

To establish, maintain or control public parks, gardens and recreation grounds on any land held by the council and in connection with or for the purposes of any such public park, garden or recreation ground to -

- (a) establish, erect, maintain and control aquariums, aviaries, piers, pavilions, cafes, restaurants, refreshment rooms and such other buildings or erections whatsoever as the council may deem necessary;

- (b) reserve any portion of such public park, garden or recreation ground for any particular game or recreation or for any other specific purpose; exclude the public from such portion and provide for the renting and hiring thereof to the public, clubs or other organisations; and
- (c) provide or permit any other person to provide any apparatus equipment or other amenity.

To prohibit, restrict, regulate or license -

- (a) the holding of religious services or meetings or of rallies demonstrations or processions in any street or public place;
 - (b) the sale or hawking of wares or the erection of stalls on any street, or the use of any part of a street or public place for the purpose of carrying on any trade, business or profession;
 - (c) the depositing on any street, public place or unoccupied land of any refuse, rubbish, derelict vehicles or parts of vehicles, or any other material or thing whatsoever and to provide for the removal and disposal thereof;
 - (d) street decorations and the erection of shelters, temporary buildings platforms, seats and other structures at any entertainment, procession, exhibition, ceremony or display whether in a public place or not;
 - (e) the placing of banners, wires, ropes or any other impediments over or across any street or public place;
 - (f) the collection of money or goods in any public place for any charitable or other purpose;
 - (g) the public exhibition of any monstrosity, freak of nature or abnormal person or animal;
 - (h) singing, dancing, drumming, the playing of musical instruments the reproduction of music or the making of any noise whatsoever likely to disturb any person, or any performance for profit in any public place;
 - (i) the storage or stacking of firewood or other fuel;
 - (j) the washing or drying of clothes other than on private premises;
 - (k) the quarrying and transport and dumping of earth, coral, stone, lime, clay or other material;
 - (l) the keeping of dogs, animals and poultry, and provide for the seizure and destruction of ownerless, unlicensed, diseased or dangerous dogs and the seizure and disposal of stray animals and poultry;
 - (m) billiard saloons, gaming machine parlours, dance halls and other places of public resort;
 - (n) lodging houses;
 - (o) the burning of rubbish and grassland.
5. To lay out and adorn any street, square or open space vested in the council by the erection of statues, fountains or other structure or in any other manner whatsoever.
6. To decorate streets and public buildings, erect shelters, temporary buildings platforms, seats and other structures in public places.
7. To clear, level and maintain public and unoccupied land taken on lease by the council and to plant, trim, protect, and remove flowers, trees and shrubs in or from any public place.

To identify streets and other public places by assigning names thereto and to cause such names to be exhibited on posts or pillars or be painted or otherwise exhibited on any building or other erection fronting thereon.

To number, or otherwise identify any buildings fronting on any street or other public place, and cause such identification to be exhibited on any such buildings or require the owner thereof, at his own expense to cause such identification to be exhibited on the building.

To require the owner or occupier of any premises to :-

- (a) remove or lower any fence or wall;
- (b) remove, lower or trim any tree, hedge or shrub overhanging any street or interfering with the passage of traffic or pedestrians;
- (c) remove, lower or trim any tree, hedge or shrub which in the opinion of the council is a danger or nuisance to any traffic or pedestrians;
- (d) remove or alter any wires or other works or perform such other removal or trimming which may be necessary for public safety;
- (e) remove any tree, shrub or plant which may be declared in any by-law of the council to be a noxious tree, shrub or plant.

1. To require the fencing or enclosing of plots and restrict the use of barbed wire, broken glass or any similar substances on fences and walls.
2. To preserve public decency, and to prevent offences against public order in streets and public places, and to prevent damage to or defacement of property of the public or of the council.
3. To prevent and extinguish fires, to remove buildings in order to prevent the spread of any fire and to compensate the owner of any building so removed.
4. To take a census of the inhabitants of the municipality or to contribute to the cost of taking any such census.
5. To establish, maintain, hire, support or control bands and orchestras and generally to provide for musical entertainment at public places and functions.
6. To undertake private works and services and to charge and recover costs thereon.
7. At the request of the owner of land situate within the municipality to construct in such manner as the council may think fit, by its servants or by contract, a footway or pavement along any street contiguous with such land or vehicular crossings over any footway or pavement and to recover the whole or any part of the cost of such construction, including the cost of supervision, plant, machinery and tools from such owner in such manner as it may think fit.
8. To sell all by-products resulting from the carrying on by or on behalf of the council of any works or services.
9. To promote publicity for the municipality.
10. To promote schemes of health education and road safety propaganda.
11. To make provision for the return of destitute persons to their homes.
12. To arrange for the insurance of all assets of the council and against financial risks of any kind to which the council may be subject.

Subject to the approval of the Minister to establish, acquire or take over housing schemes for the inhabitants of the municipality and for such purpose to -

- (a) lay out land and provide and maintain necessary public services;
- (b) erect and maintain dwelling houses, flats and out-buildings appertaining thereto;
- (c) convert buildings into dwelling houses or flats and to alter, enlarge, repair and improve the same;
- (d) sell or lease any plots of land or any buildings thereon; and
- (e) let on rent to tenants any dwelling houses, flats, rooms or other accommodation.

To erect, acquire, lease and maintain dwellings for the accommodation of officers and servants of the council.

Subject to the approval of the Minister to make advances of money on the security of immovable property for the purpose of enabling persons including the officers and servants of the council, to acquire land within the municipality and erect dwellings thereon and to recover any such advances with interest thereon by instalments or otherwise.

To aid and support, whether by the grant of money or otherwise the establishment and maintenance of schools, hospitals, libraries, art galleries, museums, musical or scientific institutions, homes for the aged, destitute or infirm, or for orphans, and to provide bursaries to assist in the education of the children of persons residing in the municipality, to make donations to charitable and philanthropic, welfare and youth organisations and to make presentations to other local authorities or public bodies.

17. To provide -

- (a) gowns, chains and badges of office for councillors and officers of the council;
- (b) badges, medallions or scrolls for presentation to persons who have given meritorious service to the municipality.

18. To entertain visitors, sponsor, promote and assist in arranging conferences, meetings, lectures and exhibitions of a local government nature or of benefit to the municipality, and meet the reasonable out-of-pocket expenses of councillors and officers appointed by the council to attend conferences and meetings or when engaged on the council's business and pay such subsistence, attendance or other allowances to councillors when attending meetings of the council as may be approved by the Minister.

19. To regulate, control, manage, administer, promote or license any of the things or services which the council is required or empowered to do, establish, maintain carry on, control manage or administer, to prescribe the forms in connection therewith, and with the approval of the Minister to fix any fees or charges to be made in respect thereof.

30. To assist the Government or any Regional authority to control building and to administer town and country planning schemes in any area within two miles of the boundaries of the municipality.

31. To provide, control and manage the following services -

- (a) sporting and recreational facilities and programmes of informal education for both adults and young people, including the provision and running of community centres;

- (b) the development of social work among adults;
- (c) remedial social welfare programmes aimed at the alleviation of social distress;
- (d) the welfare of children.