

ABILL

ENTITLED

AN ACT to Amend the Constitution of Jamaica to make provisions for the inclusion of a democratic system of local government for Jamaica in the Constitution; and for connected matters.

WHEREAS a Constitutional Commission established by Parliament recommended *inter alia* that provision should be made for the inclusion of the system of local government in the Constitution of Jamaica:

AND WHEREAS the recommendations of the Constitutional Commission were endorsed by a Joint Select Committee of Parliament:

AND WHEREAS a decision has been taken by the Government to amend the Constitution of Jamaica in order to insert into the Constitution of Jamaica provisions for the system of local government in accordance

with the provision of section 49 of the Constitution and, in particular, subsection (2) thereof.

[]

NOW, THEREFORE, BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, in accordance with the provisions of section 49 of the Constitution of Jamaica, and by the authority of the same, as follows:—

Short title
and
construction.

1. This Act may be cited as the Constitution (Amendment) (Local Government) Act, 2014, and shall be read and construed as one with the Constitution of Jamaica (hereinafter referred to as the "Constitution") and all amendments thereto.

Amendment
of Chapter V
of
Constitution.

2. Chapter V of the Constitution is amended—

(a) by deleting the heading to Part 4 and substituting therefor the following heading—

"Constituencies and Local Government"; and

(b) in section 66—

(i) by deleting the marginal note thereto and substituting therefor the following—

*"Constituencies
and local
government."*; and

(ii) by inserting next after subsection (2) the following—

(3) There shall continue to be a democratic system of local government for Jamaica.

(4) The purposes of local government shall be to—

(a) encourage and assist the effective participation of local communities in the affairs of local government;

(b) give local authorities—

(i) the ability to provide local public services and facilities and to carry out other related activities

for the benefit of local communities and the wider public; and

- (ii) the ability to perform such regulatory functions as may be conferred upon local authorities by law; and
 - (c) facilitate the management, improvement and development of the resources of local communities.
- (5) Parliament may make provision—
- (a) for local authorities to generate and spend their own revenue;
 - (b) for assigning functions between the various tiers of government;
 - (c) relating to the manner in which local authorities are constituted and the nature and extent of their functions;
 - (d) for the holding of local government elections; and
 - (e) prescribing any other matter relating to the governance of local authorities.”.

MEMORANDUM OF OBJECTS AND REASONS

Recommendations made in the August 1993 Report of the Constitutional Commission of Jamaica and the May 1995 Final Report of the Joint Select Committee of the Houses of Parliament on Constitutional and Electoral Reform emphasized the need for certain public offices and institutions to be included in the Constitution of Jamaica.

Consequently, a decision has been taken to amend the Constitution of Jamaica in order to insert provisions relating to the system of local government.

This Bill, therefore, seeks to give effect to this decision.

NOEL ARSCOTT, M.P.
Minister of Local Government
and Community Development.

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As introduced by the Honourable Minister of Local Government and Community Development.

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**SECTION 66 OF THE CONSTITUTION OF JAMAICA
WHICH IT IS PROPOSED TO AMEND**

66.—(1) Until otherwise provided by an Order made by the Governor-General under section 67 of this Constitution, Jamaica shall, for the purpose of electing the members of the House of Representatives, be divided into the forty-five constituencies prescribed by the Constituencies (Boundaries) Order, 1959 made by the Governor of the former Colony of Jamaica and published in the *Gazette* of the 28th day of May, 1959.

(2) Every constituency established under this section or under section 67 of this Constitution shall return one member to the House of Representatives.