

**A BILL
ENTITLED**

AN ACT to Amend the Local Governance Act and to provide for connected matters.

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, and by the authority of the same, as follows:-

Short title and construction.

1. This Act may be cited as the Local Governance (Amendment) Act, 2016, and shall be read and construed as one with the Local Governance Act (hereinafter referred to as the “principal Act”).

Amendment of section 5 of principal Act.

2. Section 5 of the principal Act is amended –

(a) in subsection (3), by inserting next after the words “(repealed by section 53 of this Act)” the words “, subject to subsection (3A)”;

(b) by inserting next after subsection (3) the following subsection –

“ (3A) Without prejudice to any power conferred by section 8 or 8A, the area specified in Part II(A) of the First Schedule and delineated on the map set out in Part II(B) of the First Schedule shall be the area of the Municipality of Portmore.” and;

(c) in subsection (4), by inserting next after the words “set out in” the words “Part I of”.

Insertion of new section 8A in principal Act.

3. The principal Act is amended by inserting next after section 8 the following section -

“Alteration of boundaries of Municipality.

8A. - (1) Where an order is made under section 8(1) in respect of a City Municipality or

Town Municipality, the boundaries set out in the order pursuant to section 8(6) may be amended in accordance with the procedure set out in this section.

(2) A written submission proposing the alteration of the boundaries of a City Municipality or Town Municipality may be made to the Minister by –

- (a) the Council of the Municipal Corporation of the parish;
- (b) the Council of the City Municipality or Town Municipality concerned;
- (c) the Electoral Commission of Jamaica established under the Electoral Commission (Interim) Act; or
- (d) any public, private or non-governmental organization representing the inhabitants of the City Municipality or Town Municipality, as the case may be.

(3) Where a submission is made to the Minister by an entity in accordance with subsection (2), the Minister shall, by such methods as the Minister considers appropriate, consult with the other entities mentioned in that subsection.

(4) After undertaking the consultation required under subsection (3), the Minister may, by order subject to affirmative resolution, if the Minister considers it expedient for the boundaries of the City Municipality or Town Municipality (as the case may be) to be altered, amend the order made under section 8(1) so as to reflect the new boundaries.

(5) For the purposes of this section, the provisions of section 5(3A) shall be deemed to be an order made under section 8(1).

(6) The provisions of subsection (3) shall be deemed to be satisfied if the Minister publishes, on at least two occasions in a daily newspaper in circulation throughout Jamaica, a notice inviting the entities required to be consulted under that subsection to submit their views on the matter within the time specified in the notice.”.

Amendment of section 13 of principal Act.

4. Section 13 of the principal Act is amended –
- (a) in subsection (1) by deleting the words “subsection (2)” and substituting therefor the words “subsections (1A) and (2)”; and
 - (b) by inserting next after subsection (1) the following subsection –
 - “ (1A) In the case of a Council of a Municipal Corporation, the Councillors entitled to sit on the Council shall not include any Councillor entitled to sit on the Council

of a City Municipality or Town Municipality of the relevant parish.”.

Amendment of
First Schedule
of principal Act.

5. The First Schedule of the principal Act is amended by inserting next after –

- (a) the heading “First Schedule” the sub-heading “Part I”; and
- (b) the words “The Westmoreland Municipal Corporation” the

following as Part II of the First Schedule –

“

Part II

(A) - Area of the Municipality of Portmore

From the point where the St. Catherine and St. Andrew Parish Boundary meets westerly along the Fresh River;

South-easterly and along the Fresh River to where it meets the Salt River/Duhaney River;

South-easterly and along this river to where it enters the Sandy Gully;

South-easterly and along the Sandy Gully to where it enters the Hunts Bay;

Southerly and in a straight line from this point to where it meets the Portmore to Kingston Causeway;

North-easterly and along this road to where it meets the St. Andrew and St. Catherine Parish Boundary at the bridge and then to the coastline;

South-westerly and along the coastline to the point where the Salt Island Creek enters the Galleon Harbour;

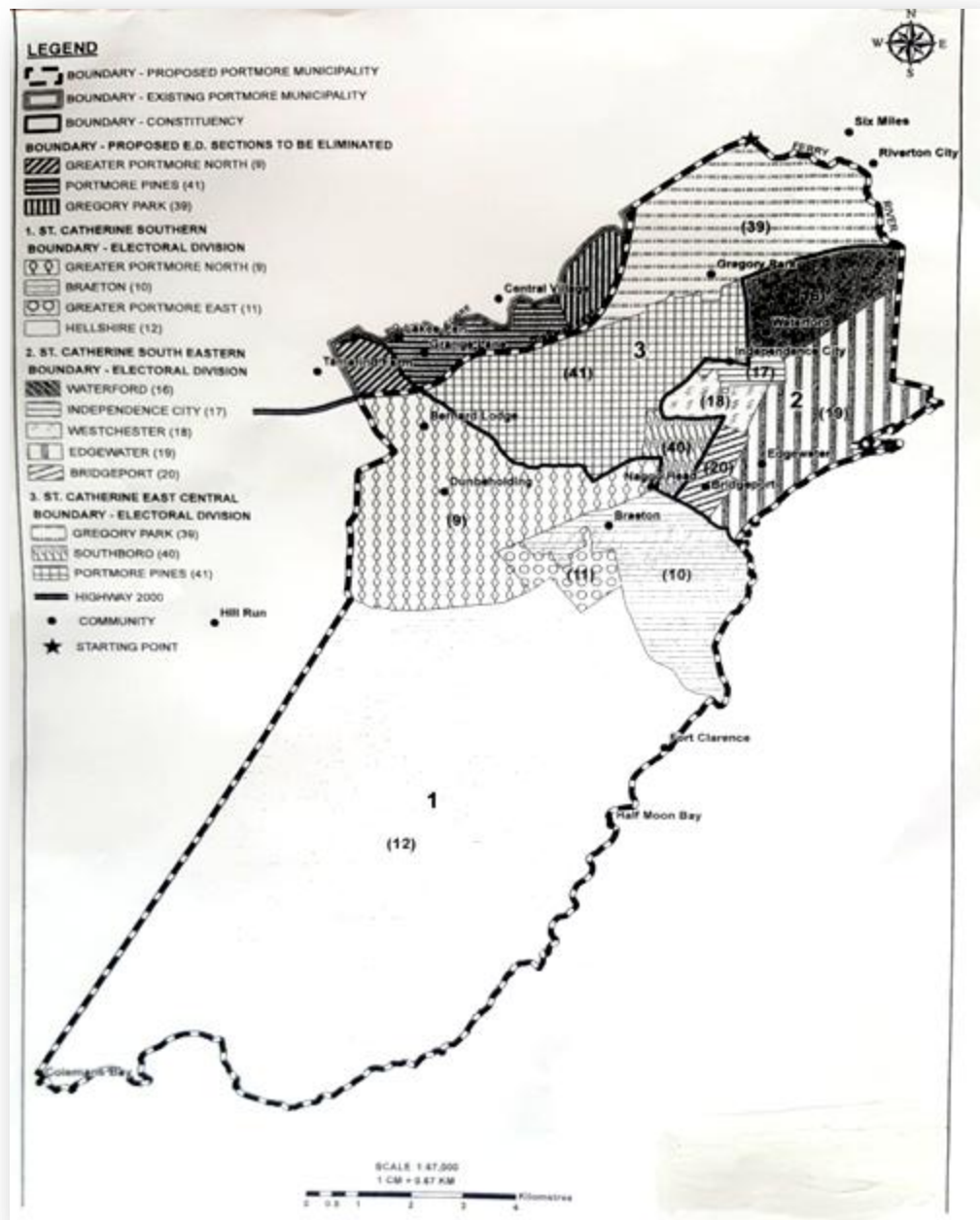
Northerly and along the Salt Island Creek and along the boundary between the Constituencies of South St. Catherine and South Central St. Catherine;

Northerly along the boundaries between the constituency of South St. Catherine and South Central St. Catherine to Salt Pond Road, Northerly along Salt Pond Road to the Toll Road;

North-easterly along the Toll Road to where it meets the Nelson Mandela Highway;

Easterly along the Nelson Mandela Highway to the starting point at the St. Catherine and the St. Andrew Parish Boundary at the Fresh River.

(B) - Map of the Municipality of Portmore



Amendment of the Poor Relief Act.

6. Section 17 of the Poor Relief Act is amended –
 - (a) in subsection (4) by deleting the words “Parish Council” and substituting therefor the words “Local Authority”;
 - (b) by deleting the words “Parish Council” wherever they appear in the section and substituting therefor the words “Local Authority, within the area of its jurisdiction,”; and
 - (c) in subsection (5) by deleting the words “subsection (1) of section

10 of the Parish Councils (Unified Service) Act, or section 13 of the Municipal Service Commission Act” and substituting therefor the words “section 5(3) of the Local Government (Unified Service and Employment) Act”.

Revocation of
the Municipalities
(Portmore) Order,
2015.

7. The Municipalities (Portmore) Order, 2015, is hereby revoked.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Local Governance Act in order to –

- (a) make clearer procedure for the alteration of boundaries of existing Municipalities;
- (b) provide, consequentially, for the revocation of the Municipalities (Portmore) Order, 2015; and
- (c) provide that Councillors entitled to sit on the Council of a Municipal Corporation shall not include Councillors entitled to sit on the Council of a City Municipality or Town Municipality of the parish.

This Bill seeks to give effect to that decision, and also makes amendments to the Poor Relief Act, consequent on the enactment of the Local Governance Act.

Desmond McKenzie
Minister of Local Government and
Community Development