

No. 44 OF 1934.

Repealed by
Law 23/1942A LAW TO AMEND THE MUNICIPAL CORPORATIONS
LAW, 1930.

A.D. 1934.

44 of 1934.

H. R. PALMER,]

[6th October, 1934.

Governor.

BE it enacted :—

1. This Law may be cited as the Municipal Corporations (Amendment) Law, 1934, and shall be read as one with the Municipal Corporations Law, 1930, (hereinafter called "the Principal Law"), and the Principal Law and this Law may together be cited as the Municipal Corporations Laws, 1930 and 1934.

Short title.

26 of 1930.

2. The definition of "Town" in section 2 of the Principal Law is hereby amended by the insertion of the words "or village" after the words "the town" in line 1.

Amendment
of section 2
of Law 26
of 1930.

3. The following section shall be substituted for section 67 of the Principal Law :—

New section
substituted
for section
67 of Law 26
of 1930." Appoint-
ment of
principal
officers.

67.—(1) The council may, and when required by the Commissioner so to do shall, appoint fit persons, not being members thereof, to all or any of the following principal offices, that is to say, the office of—

- (a) town clerk,
- (b) treasurer,
- (c) municipal engineer,
- (d) sanitary surveyor,
- (e) medical officer of health :

Provided that one person may be appointed to the office of town clerk and treasurer.

(2) No person who is over sixty years of age shall be appointed to any of the offices enumerated in sub-section (1) hereof.

(3) Every appointment under this section shall be subject to the approval of the Commissioner and shall not take effect until it is approved by him.

(4) Every person appointed under this section shall hold office during the pleasure of the council and shall receive such salary as the council with the approval of the Commissioner shall appoint :

Provided that such person shall not be dismissed or removed from office except—

(a) in accordance with a resolution of the council passed by a majority of at least two-thirds of those councillors who shall be present at a meeting of the council specially convened for the purpose after notice of not less than seven or more than fourteen days before such meeting, and

(b) with the approval of the Commissioner.

(5) Every person who completes his sixtieth year of age while holding any of the offices enumerated in sub-section (1) hereof, shall cease to hold such office :

Provided that—

(a) by a resolution of the council passed by a majority of at least two-thirds of those councillors who shall be present at a meeting of the council specially convened for the purpose after notice of not less than seven or more than fourteen days before such meeting, and for special reasons recorded therein, and

(b) with the approval of the Commissioner, such person may continue in office thereafter for such period as may be specified in such resolution.

(6) A vacancy in any of the offices enumerated in sub-section (1) hereof shall be filled, in accordance with the provisions of this section, within two months of its occurrence.

(7) If from any cause any person who holds any of the offices enumerated in sub-section (1) hereof is temporarily unable to perform the duties of his office, the council may appoint a deputy to hold such office during the pleasure of the council, and such deputy may do all things and perform all acts which by law the officer for whom he is deputy is required to do or perform, and shall be liable to the same penalties for any failure therein."

4. The following section shall be substituted for section 69 of the Principal Law :—

“ Appoint-
ment of
subordinate
officers.

69.—(1) The council may appoint fit persons, not being members thereof, to such subordinate offices as they think necessary for the purposes of this Law.

(2) The provisions of sub-sections (2), (4) and (5) of section 67 hereof shall apply to every appointment made, and to every person appointed, under this section.”

New section substituted for section 69 of Law 26 of 1930.

5. The following section is hereby inserted immediately after section 73 of the Principal Law :—

“ Contracts.

73A.—(1) Contracts on behalf of the council shall be made in writing under the corporate seal and the hand of the mayor and any two councillors authorized by the council in that behalf :

Provided that contracts incidental to the ordinary conduct of the current business of the municipal corporation may, subject to the provisions of the Contract Law, 1930, be made in writing or parol, as the case may be, on behalf of the corporation by the mayor, and any such contract made in writing may be varied or discharged in writing and any such contract made by parol may be varied or discharged in writing or parol :

Provided also that contracts the duration of which exceed one year shall be subject to the approval of the Governor.

(2) All contracts made in accordance with this section shall be effectual in law and shall bind the municipal corporation and the council for the time being and all the other parties thereto, their heirs, executors or administrators, as the case may be.

(3) Nothing in this section shall be deemed to affect the validity of any contract made on behalf of the council or the corporation before the date of the coming into operation of this Law.”

Insertion of new section 73A in Law 26 of 1930.

6. Section 88 of the Principal Law is hereby amended by the insertion of the words “ and approved by the Governor ” after the word “ council ” in the last line thereof.

Amendment of section 88 of Law 26 of 1930.

Amendment
of section
107 (2) of
Law 26 of
1930.

7. Sub-section (2) of section 107 of the Principal Law is hereby amended by the deletion therefrom of the words "thirty first day of March and the thirtieth day of September" and the substitution therefor of the words "thirtieth day of June and the thirty first day of December".

Amendment
of section
108 (2) of
Law 26 of
1930.

8. Sub-section (2) of section 108 of the Principal Law is hereby amended by the deletion therefrom of the words "A copy of the accounts shall be published in the *Gazette*." and the substitution therefor of the words "A copy of the audited accounts for each year shall be published in the *Gazette*."

Amendment
of section
115 (1) of
Law 26 of
1930.

9. Sub-section (1) of section 115 of the Principal Law is hereby amended as follows:—

(a) by the deletion from paragraph (y) thereof of the word "Name" and the substitution therefor of the words "With the approval of the Governor name".

(b) by the deletion therefrom of paragraph (ee) and the substitution therefor of the following paragraph:—

"(ee) Keep sufficient balances, scales and weights for the weighing of goods and apparatus for testing spirits, in accordance with this Law."

Amendment
of section
116 of Law
26 of 1930.

10. Section 116 of the Principal Law is amended as follows:—

(a) By the insertion in paragraph (a) (ii) thereof of the words "without the consent of the Governor" after the words "shall not" in line 4.

(b) By substituting the following paragraph for paragraph (e) thereof:—

"Markets for
cattle and
perishable
goods.

(e) To provide for the allotment of special places for the sale of cattle and of perishable goods and to regulate the fees, rents and tolls for the use of such special places."

(c) By the insertion of the following paragraphs immediately after paragraph (k) thereof:—

"Bathing.

(l) To regulate bathing in the sea and to secure the safety and comfort of persons who resort to the beach within the municipal limits.

Arrears.

(m) With the approval of the Governor to cancel irrecoverable arrears of revenue."

11. Section 139 (1) (b) of the Principal Law is hereby amended by the insertion of the words "the leaves of which do not open or project into the street" after the word "door" in line 4.

Amendment of section 139 (1) (b) of Law 26 of 1930.

12. Section 139 (3) of the Principal Law is hereby amended by the insertion of the words "or require the alteration of any plan, section or drawing so produced to it" after the word "desirable".

Amendment of section 139 (3) of Law 26 of 1930.

13. Section 143 (1) of the Principal Law is hereby amended by the deletion therefrom of the words "the said section" and the substitution therefor of the words "section 136 hereof".

Amendment of section 143 (1) of Law 26 of 1930.

14. The following section is hereby inserted immediately after section 143 of the Principal Law :—

Insertion of new section 143A in Law 26 of 1930.

"Space left vacant to be part of the street.

143A. When in any street in respect of which action has been taken under section 136 or section 138 hereof a new building is erected in accordance with any plan determining the width of such street, the space left vacant in consequence of the building having been set back shall thereupon be deemed to be part of such street and the Land Registry Office may, upon the application of any interested party, cause the necessary amendments to the relative registrations to be effected and the amended registration shall be held final notwithstanding that any certificate relating thereto remains without amendment."

15. The following section is hereby substituted for section 145 of the Principal Law :—

New section substituted for section 145 of Law 26 of 1930.

"Penalties and demolition orders.

145.—(1) Any person contravening any of the provisions of sections 139 to 144 hereof, inclusive, or of any order made thereunder shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding five pounds and the Court before which any such person is convicted shall order that the building or the part thereof, as the case may be, in respect of which the offence was committed shall be pulled down or removed within such time as shall be specified in such order unless a permit in writing from the council is obtained in respect thereof in the meantime :