

## OBJECTS AND REASONS

A Bill to provide for the establishment of Constituency Councils and for related matters.

### *Arrangement of Sections*

#### *Section*

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FIRST SCHEDULE

SECOND SCHEDULE

**BARBADOS**

**A Bill entitled**

**An Act to make provision for the establishment of  
Constituency Councils.**

**ENACTED** by the Parliament of Barbados as follows:

- 1.** This Act may be cited as the *Constituency Councils Act, 2009*. Short title.

Interpretation.	<p><b>2.</b> In this Act,</p> <p>"constituency" has the meaning assigned to it by section 2 of the <i>Representation of the People Act</i>;</p> <p>"Constituency Council" or "Council" means a body of local representatives who have been appointed in accordance with section 3(4);</p> <p>"Department" means the Department responsible for Constituency Councils.</p>
Cap. 12.	
Establishment of Councils. S. I. 2002 No. 79.	<p><b>3.</b> (1) There are hereby established 30 Constituency Councils within each of the 30 constituencies specified in the <i>Electoral and Boundaries Commission (Review of Boundaries) Order, 2002</i>.</p> <p>(2) The Councils referred to in subsection (1) shall be allocated to the zone as specified in the <i>First Schedule</i>.</p> <p>(3) The <i>Second Schedule</i> has effect with respect to the constitution of each Council and otherwise in relation thereto.</p>
First Schedule.	
Second Schedule.	
Purpose.	<p><b>4.</b> The purpose of each Council is to</p> <p>(a) improve the delivery of social services to constituents; and</p> <p>(b) effectively and efficiently assist in the management of resources assigned for the development of each constituency within a framework of good governance.</p>
Functions of each Council.	<p><b>5.</b> (1) The functions of each Council are to</p> <p>(a) build relevant databases with respect to the constituency in collaboration with other government departments;</p> <p>(b) to identify the priority needs of the constituency based on supporting data;</p>

- (c) make recommendations to the Minister on programmes and projects for the benefit of each constituency;
- (d) refer residents requiring services in a constituency to the most appropriate Government agency that provides the services required;
- (e) assist with the delivery of particular services to the respective residents of each constituency;
- (f) carry out activities designated by the Department on behalf of the residents of the constituency;
- (g) facilitate the flow of information to and from the Minister that is relevant to everyday life in the constituency, in order to facilitate decision making on matters related to the constituency.

(2) The functions of the Council referred to in subsection (1) are to be carried out with the prior approval of the Department.

6. The expenses of each Council are to be defrayed out of Finances.

- (a) such money as may be voted for the purpose;
- (b) moneys arising from gifts, grants or donations;
- (c) moneys becoming payable to or vested in each Council.

7. The funds of each Council shall be applied towards Funds.

- (a) the operating expenses of the Council;
- (b) payment of the Council's programmes, activities, projects, and specific expenses authorised by the Department; and

- (c) such other purposes as are
  - (i) necessary for the performance of the Council's functions; and
  - (ii) authorised by the Minister.

**Experts.**        **8. (1)** Each Council may engage persons having special or technical knowledge to assist in carrying out its functions with the prior approval of the Department.

(2) A person engaged pursuant to subsection (1) shall receive such remuneration as the Minister of Finance determines.

**Accounts and audit.**        **9. (1)** Each Council shall, in respect of its functions under this Act, keep proper accounts and adequate financial and other records in relation thereto.

(2) The accounts, financial and other records referred to in subsection (1) shall be kept for a period of not less than 7 years.

(3) Each Council shall prepare a statement of accounts in respect of each financial year.

(4) The Auditor-General may at any time and shall on the direction of the Minister responsible for Finance carry out an investigation or audit of the accounts of each Council.

(5) The Department shall as soon as practicable after the end of each financial year, and in any event not later than 6 months after the end of that year, submit to the Minister a report containing, in respect of each Council,

- (a) a detailed account of its activities during the preceding financial year, in such detail as the Minister directs; and
- (b) a statement of the audited accounts for that financial year, in respect of each Council.

(6) A copy of the report and statement of account referred to in subsection (5) shall be laid before both Houses of Parliament and published in the *Official Gazette* not later than 3 months from the date of the receipt by the Minister.

10. The Minister shall give the Department directions of a general nature in respect of the policy and procedure to be followed by each Council, and each Council shall comply with those directions. Directions.

11. (1) A member of a Council who

(a) has any interest in a company or other entity with which the Council purports to make a contract or otherwise transacts business; or

(b) has a vested interest in a matter under consideration by the Council or its committees,

Disclosure  
of a  
member's  
interest.

shall disclose to the Council the particulars of that interest; and the details of that disclosure shall be recorded in the minutes taken at the meeting at which the disclosure is made.

(2) A member referred to in subsection (1) shall not take part in any deliberation or discussion of the Council or vote on any question relating to that matter.

12. (1) The Minister may by order amend the *Schedules* to this Act. Orders.  
Schedules.

(2) An order made under subsection (1) shall be subject to negative resolution.

13. The Minister may make regulations for carrying out the provisions of this Act. Regulations.

FIRST SCHEDULE

*(Section 3(2))*

*Zones and Councils*

Northern Zone

St. Lucy  
St. Peter  
St. Andrew  
St. Joseph  
St. James North  
St. James Central

Western Zone

St. James South  
St. Michael West  
St. Michael West Central  
St. Michael North East  
St. Michael North West  
St. Michael North

Eastern Zone

St. John  
St. Philip North  
St. Philip South  
St. Philip West  
Christ Church East  
Christ Church East Central

*First Schedule - Concl'd*

*Zones and Councils - Concl'd*

Central Zone

St. George North  
St. George South  
St. Thomas  
St. Michael Central  
St. Michael East  
St. Michael South Central

Southern Zone

Christ Church South  
Christ Church West Central  
Christ Church West  
St. Michael South  
St. Michael South East  
City of Bridgetown



## SECOND SCHEDULE

*(Section 3(3))**Constitution, Functions and Procedure of Councils*

- Constitution. 1. (1) Each Council shall consist of 15 persons appointed by the Minister by instrument in writing.
- (2) The persons referred to in sub-paragraph (1) may be selected from the following categories as a:
- (a) representative of a community group;
  - (b) representative of a special interest group or sector of the community;
  - (c) nominee from each of the political parties that are represented in the House of Assembly;
  - (d) person in his or her individual capacity;
  - (e) nominee of the Minister.
- (3) A Member of Parliament may participate in the deliberations of a Council in an *ex-officio* capacity and shall be notified of the regular meetings of the Council and may attend any of the Council meetings.
- (4) The Minister shall appoint a Chairman and Deputy Chairman from among the members.
- Tenure. 2. A member holds office for a term of 2 years unless he dies, resigns or has his appointment revoked before the end of the term, but
- (a) a person who is appointed to fill a vacancy created by the death, resignation or removal from office of a former member shall hold office only for the unexpired portion of the term of that former member;
  - (b) every member is, on the expiration of the term of his appointment, eligible for re-appointment for a further term.
- Remuneration. 3. The members are eligible for such remuneration as the Minister, with the approval of Minister of Finance, may determine.

4. (1) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and upon the date of receipt by the Minister of such instrument, the Chairman ceases to be Chairman and a member unless some other date is mentioned in the instrument. Resignation.

(2) A member other than the Chairman may resign his office by instrument in writing addressed to the Minister, transmitted through the Chairman; and from the date of the receipt of the instrument by the Minister that member ceases to be a member of the Council.

5. The Minister shall terminate the appointment of a member where the member Revocation of appointment.

- (a) fails without reasonable excuse to attend 3 consecutive meetings of the Council;
- (b) has become bankrupt or has made an arrangement with his creditors;
- (c) is incapacitated by physical or mental illness;
- (d) engages in fraudulent or other dishonest behaviour or behaviour conflicting with the discharge of his duties as a member of the Council; or
- (e) is otherwise unfit to discharge the functions of a member of the Council.

6. The names of all members of the Council as first constituted and every change in the membership shall be published in the *Official Gazette*. Publication in the *Official Gazette*.

7. The Minister may in writing, grant leave of absence to a member and may appoint a person to act temporarily in the place of that member. Leave of absence.

8. Subject to this Schedule, each Council shall regulate its own procedure and shall meet at such times as may be necessary for the transaction of the business of each Council. Procedure.

9. The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of each Council and, in the case of the absence of both, the members present and constituting a quorum shall elect a temporary Chairman from among their number who shall preside at the meeting. Meetings.

10. Nine members shall constitute a quorum. Quorum.

11. Decisions of each Council are to be by a majority of votes and where the voting is equal the Chairman, in addition to his original vote, has a casting vote. Decisions.

- Minutes.** 12. Minutes of each meeting are to be kept by the Secretary or other person appointed by each Council for the purpose, and are to be confirmed by that Council at the next meeting and signed by the Chairman or other person presiding at that meeting.
- Experts.** 13. Each Council may invite persons to attend any of its meetings for the purpose of assisting or advising it respecting any matters in which it is dealing, but a person so invited does not have a right to vote.
- Documents.** 14. All documents made by and all decisions of each Council shall be signified under the hand of the Chairman of that Council, or any member authorised to act in that behalf or by the Secretary of that Council.
- Public meetings.** 15. (1) Each Council shall hold biannual public meetings at a time approved by the Minister to update residents of each constituency on the progress and agenda of the Council for the prescribed period.
- (2) Every recommendation made at a meeting referred to in sub-paragraph (1) shall be forwarded to the Minister.
- (3) The Member of Parliament for the constituency shall be invited by the Council to make an address on any relevant issues deemed to be of interest to the constituency at the public meetings referred to in sub-paragraph (1).
- Appointment of Committees.** 16. (1) Each Council may appoint committees for the purpose of carrying out the functions of the respective Council which in the opinion of that Council would be better regulated or managed by means of a committee.
- (2) Each Council may delegate any of its functions to a committee.
- (3) The Chairman of each Council shall be an *ex-officio* member of every committee.
- (4) Membership of a committee shall not consist of more than 5 persons.
- (5) Subject to the directions of each Council, the committee may determine its own procedure and the times and places of its meetings.
- (6) Each Council may reject a report of any committee appointed under this paragraph or adopt it with or without modifications.