24|1982 -

CHAPTER 160.

RURAL DISTRICT BOARDS.

5/1952
4/1957

(*26th September,* 1952.)

Short title.

1. This Ordinance may be cited as the Rural District Boards Ordinance.

Interpretation.

2. (1) In this Ordinance—

"Board" means a Rural District Board constituted under this Ordinance;

"dollars" means dollars in the currency of the Colony;

"rural district" means any place or places declared as such under section 3;

"Rural District Officer" means any person appointed as such under this Ordinance.

(2) References in this Ordinance to Her Majesty's dominions shall have effect as if they included references to all British protectorates and British protected states and to all territories administered by the Government of any part of Her Majesty's dominions under the trusteeship system of the United Nations.

Proclamation of rural district.

3. The Administrator in Council may, by proclamation published in the *Gazette*—

(*a*) declare any portion of the Colony not within the limits of the town of Plymouth to be a rural district and such proclamation shall specify the boundaries of such rural district; and

(*b*) amend, vary or revoke such proclamation.

Establishment and constitution of Board.

4. (1) Subject to the provisions of section 3, there shall be established in every rural district a Board which shall be entrusted with the good government and improvement of the rural district and the enforcement of the provisions of this Ordinance and all by-laws and rules made thereunder.

(2) A Board shall consist of not more than nine and not less than six members of whose number one-third shall be appointed by the Administrator and two-thirds shall be elected as hereinafter provided.

(3) No person shall be qualified to be elected as a member of a Board who is not entitled to vote at the election of the members of a Board.

(4) A member of a Board may resign his seat by giving fourteen days notice in writing to the Chairman of the Board.

Chairman.

5. The Chairman of a Board shall be such member thereof as shall be appointed by the Administrator to be Chairman.

Duration of Board.

6. The term of office of a member of a Board shall be three years unless the Board be sooner dissolved :

Provided that every member who shall have vacated his office or whose term of office has determined shall be eligible for re-election or re-appointment as the case may be.

Quorum.

7. Four members of a Board shall form a quorum for the transaction of business.

Procedure at meetings.

8. (1) In the event of the absence of the Chairman at the commencement of any meeting of a Board, the members present may elect one of their number to act as Chairman of the meeting.

(2) Every question arising for the decision of a Board shall be decided by a majority of the votes of the members present and voting on that question.

(3) The Chairman shall not have an original vote but in the case of an equal division of the votes on any question before the Board, the Chairman shall have a casting vote.

Minutes to be forwarded to Administrator.

9. The minutes of every meeting of a Board certified by the Chairman shall, within seven days after confirmation, be forwarded to the Administrator.

Appointment of requisites for election by election order.

10. (1) Within twenty-one days after the proclamation of any rural district or the dissolution of a Board, and every vacancy among the elected members of a Board, the Admini-

strator shall make an order (hereinafter called an election order) appointing, as circumstances may require, all or any of the following requisites for an election—

(*a*) the hour and place in the rural district at which and the manner in which persons may apply to be registered as voters and the date, which shall be not more than fourteen days before the date of election, when the registration of voters shall be closed; Ord. 4/1957.

(*b*) the time and date which shall be not more than fourteen days after the close of registration, if any, when the election shall take place;

(*c*) the person (hereinafter called the election officer) by whom such election shall be conducted;

(*d*) the day and time when, and the place at which candidates for election shall be nominated, and the manner of such nomination; Ord. 4/1957.

(*e*) the place in the rural district where such election shall take place; and

(*f*) the manner of such election. Ord. 4/1957

(2) Notice of such election order shall be published in such manner as the Administrator thinks most suitable for informing the persons concerned in the rural district.

Qualification of voters.

11. (1) Subject to the provisions of subsection (2), the persons entitled to vote at the election of the members of a Board in any rural district shall be those resident therein during the qualifying period who, on the date of the election order and on the date of the election, are ~~British subjects~~ Commonwealth citizens of full age and of sound mind: S 18, 24 of 1982.

Provided that no person shall be entitled to vote who has been convicted of perjury in any Court in Her Majesty's dominions or in any territory under Her Majesty's protection or who has been sentenced by any such Court to death, or penal servitude, or imprisonment for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as by competent authority may have been substituted for the same or received a free pardon from Her Majesty.

(2) A person shall not be entitled to vote at the election of any member of a Board in a rural district unless registered there in the Register of Voters of such election.

(3) In this section the term "qualifying period" shall mean the period of six months immediately preceding the date of the election order.

Registration of voters.

12. (1) The election officer shall be the registering officer in respect of the registration of voters for the election.

(2) Any person aggrieved by the refusal of the election officer to register him as a voter at such election may, within five days after the date of such refusal, by laying a complaint before the District Magistrate, submit for summary determination by such Magistrate the question whether he is entitled to vote at such election.

(3) If the Administrator is satisfied that such complaint cannot be heard and determined in time in the event of the decision being in favour of the complainant, to enable such complainant to exercise the right to vote at the election, it shall be lawful for the Administrator to postpone the election for such reasonable time as may be necessary by order published in the manner prescribed by subsection (2) of section 10.

Power of Board to make rules.

13. A Board may make rules relating to all or any of the following matters:—

(*a*) the time and place of its meetings;

(*b*) the mode of convening its members;

(*c*) the attendance of its members;

(*d*) the form and order of its debates;

(*e*) the powers and duties of its officers and servants; and

(*f*) the general regulation of its proceedings and the mode of conducting its business.

Status of Board.

14. A Board when established under the provisions of this Ordinance shall be a body corporate by the name, as the case may be of ".....Rural District Board" (naming the particular rural district) with perpetual succession, and may sue and be sued in all courts of justice.

Appearance of Board.

15. A Board may appear in any proceedings by the Chairman, or anyone authorised to do so by the Chairman in writing generally or in respect of any particular proceedings.

Board to appoint officers and servants.

16. A Board may, with the approval of the Administrator, appoint such officers and servants as may be necessary for the efficient exercise of the powers and duties vested in and imposed on a Board by this Ordinance.

Protection

17. A member of a Board shall not be personally liable for any loss or damage caused by any act or omission in the administration of the affairs of the rural district unless such loss or damage shall be occasioned by an intentionally wrongful act.

Appointment of Rural District Officer.

18. It shall be lawful for the Administrator to appoint a fit and proper person to be a Rural District Officer.

Power and duties of Rural District Officer

19. (1) The Rural District Officer may advise the Chairman, members and officers of any Board with respect to the administration of their rural district and shall have all such powers and perform such duties as are or may be conferred upon or assigned to him by the Administrator.

(2) The Rural District Officer shall have the right to attend the meetings of any Board and shall, with the permission of the Chairman, take part in the proceedings but shall have no vote thereat.

Dissolution of Rural District Board.

20. The Administrator in Council may by an order published in the *Gazette* dissolve any Rural District Board established under this Ordinance if :—

(*a*) such Board in the judgment of the Administrator in Council persistently makes default in the performance of the duties entrusted to it, or exceeds or abuses its powers; or

(*b*) on a representation made by the inhabitants of the rural district wherein such Board is established, the Administrator in Council is satisfied that the further continuance in office of such Board is prejudicial to the welfare of the inhabitants of the rural district.

Powers to make by-laws.

21. A Board may—

(*a*) make by-laws for the good government and improvement of the rural district generally, for the prevention and suppression of nuisances therein and, subject to the provisions of section 23, for such other matters as the

Administrator in Council may by proclamation published in the *Gazette* declare to be within the competency of a Board; and

(*b*) attach to any breach of any by-law made under this Ordinance a penalty which shall not exceed forty-eight dollars and in the case of a continuing offence a further penalty which shall not exceed one dollar and twenty cents for every day during which the offence continues after written notice of the offence has been given to the offender by the Board, and in default of payment of such penalties, imprisonment with or without hard labour for any term not exceeding three months.

Confirmation of by-laws.

22. Every by-law made by a Board under this Ordinance shall be subject to the approval of the Administrator in Council who may confirm, amend or disallow the same and such by-law shall come into force upon publication in the *Gazette* or upon such subsequent day as may be named in that behalf in such by-law.

Power to impose rates, taxes, &c.

23. It shall be lawful for a Board under any by-law to impose, charge and receive licences, rates, taxes, fees and dues within the limits of the rural district with respect to any matters which the Legislative Council may from time to time by resolution, declare to be within the competency of the Board in that behalf, in such manner and subject to such terms and conditions as may be prescribed by such resolution:

Provided that no by-law shall be made with respect to any such matters if they are provided for by any Act or other Ordinance or if any regulations, rules, or by-laws relating to those matters are already in force under the provisions of any Act or other Ordinance:

Provided further that all Government property, churches, chapels, schools and buildings set apart and used as residences for ministers of religion shall be exempt from all such licences, rates, taxes, fees, dues and imposts of whatever kind.

Rural District Fund.

24. (1) All moneys collected for the use of a Board shall be paid into the Treasury and placed to the credit of a fund to be called "the Rural District Fund".

(2) The moneys paid into the Treasury by a Board shall be applied exclusively to the use of that rural district represented by such Board.

(3) The Rural District Fund shall be composed of:—

(*a*) the moneys derived from any licences, rates, taxes, fees, dues or charges imposed and recovered under any by-law of a Board by virtue of the powers conferred by section 23;

(*b*) fines and penalties for breaches of any by-law of a Board;

(*c*) any vote or contribution from the general revenue of the Colony; and

(*d*) moneys lawfully derived from any other sources.

(4) The account of the Rural District Fund shall be kept as a separate account in the Treasurer's book, in such manner as the Administrator may direct and upon the written order of the Chairman of a Board the Treasurer shall furnish such Board with a statement of the account.

(5) The debts of a Board shall be discharged from the Rural District Fund.

(6) All payments from the Rural District Fund shall be made on claim certified by the Chairman.

(7) The Rural District Fund account and all other accounts of every Board shall be regularly audited by the Government Auditor.

Estimates.

25. Every Board shall on or before the first day of July in each year, prepare and transmit to the Administrator for his approval the annual estimates of revenue and expenditure of such Board in respect of the financial year next ensuing; and the Chairman of a Board shall make payments from the Rural District Fund in accordance with such estimates as shall have been approved by the Administrator or on the written authority of the Administrator.