

CHAPTER 466

THE VILLAGE COUNCILS ACT

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VILLAGE COUNCILS

(16th June, 1945.)

4/1945.
9/1946.
8/1947.
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1. This Act may be cited as the Village Councils Act. **Short title.**

2. The inhabitants of any village or any group of adjacent villages in the Island of Antigua may request the Minister to cause a village council to be established in their village or villages. **Request for establishment of village council.**

Enquiries by
Minister.

3. On receipt of such request, the Minister shall satisfy himself, by such enquiries as he may deem expedient, that the request is in accordance with the wishes of the inhabitants of the village or villages.

Preparation of
scheme.

4. (1) On being so satisfied, the Minister shall prepare a scheme for the consideration of the Cabinet.

(2) The scheme shall—

(a) define the area or areas to which it relates;

(b) provide for the constitution of, and method of election to, the village council; and

(c) define the powers to be exercised and the duties to be performed by the village council.

(3) In preparing the scheme the Minister shall have due regard to the wishes of the inhabitants.

Consideration and
execution of
scheme.

5. (1) The scheme shall be considered by the Cabinet who may make such amendments as they may think fit, and, if approved by the Cabinet, it shall be published in the *Gazette* together with a notification of the intention of the Cabinet to establish a village council for the village or villages named.

(2) The scheme shall be laid before Parliament, and Parliament may approve, amend or disallow the same.

(3) If Parliament approves the scheme, the Minister shall—

(a) if any amendments are made to it, republish it in the *Gazette*; and

(b) forthwith take such steps as may be necessary to cause a village council to be established in accordance with the provisions contained in the scheme.

(4) A notification by the Minister in the *Gazette* that any such scheme has been approved by Parliament or that a village council has been established shall be conclusive proof thereof.

6. (1) The inhabitants of any village or of any group of adjacent villages may, at any time after a scheme has been approved for any other village or group of villages, make a request to the Minister that the scheme so approved be adopted for the village or group of villages of which they are inhabitants.

Scheme previously approved for one village may be applied to another.

(2) On receipt of such request, the Minister shall satisfy himself, by such enquiries as he may deem expedient, that the request is in accordance with the wishes of the majority of the inhabitants of the village or group of villages.

(3) The request shall be considered by the Cabinet and if approved the scheme shall be adopted accordingly and upon publication in the Gazette of a notice to that effect by the Secretary to the Cabinet the scheme shall apply *mutatis mutandis*.

7. A village council, when established under the provisions of this Act, shall be a body corporate by the name, as the case may be, of "The Village Council of" (naming the particular village or villages) with perpetual succession, and may sue and be sued in all courts of justice.

status of village council.

8. The Cabinet may make Rules generally for —

Power to make Rules.

- (a) the guidance and governance of village councils;
- (b) the management and administration of villages;
- (c) prescribing the mode of dealing by village councils with the financial affairs of villages, including the keeping of accounts and the auditing thereof, and the submission to the Minister of annual estimates.

9. (1) A village council may, with the approval of the Cabinet, make By-Laws for the good rule and government of a village, for promoting and protecting the health of the inhabitants thereof, for the prevention and suppression of nuisances therein, and for the imposition and recovery of licences, rates, taxes, fees and dues within the limits of the village or the group of adjacent villages as the case may be:

Power to make By-Laws and to impose rates, taxes, etc.

Provided that no By-Laws shall be made with respect to any such matters if they are provided for by any other Act or if any Regulations, Rules or By-Laws relating to those matters are already in force under the provisions of any other Act:

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.

(2) There may be attached to any By-Law a penalty, for breach of it, not exceeding two hundred dollars.

Village fund.

10. (1) All moneys collected for the use of a village council shall be paid into the Treasury and shall be placed to the credit of a fund to be called the Village Fund.

(2) The moneys paid into the Treasury by any village council shall be applied exclusively to the use of that village or group of adjacent villages as the case may be.

(3) The Village 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 made by the village council;

(b) fines and penalties for breaches of any By-Law of the village council;

(c) any vote or contribution from the general revenue of Antigua and Barbuda;

(d) moneys lawfully derived from any other source.

Protection of officers and members of village council.

11. An officer or member of a village council shall not be personally liable for any loss or damage caused by any act or omission in the administration of the affairs of the village council unless such loss or damage shall be occasioned by an intentionally wrongful act on his part:

Provided that nothing in this section shall be construed as relieving a village council from any liability in respect of acts or omissions of their officers or members.

12. If any difficulty arises as to the first establishment of any village council, or otherwise in giving effect to the provisions of this Act, the Cabinet, as occasion may require, may by Order published in the *Gazette*, do anything which appears to them necessary for the purpose of removing the difficulty.

Power of Cabinet to meet difficulties arising under the Act.

13. The Cabinet may by an Order published in the *Gazette* dissolve any village council established under this Act if—

Dissolution of village council.

(a) such council, in the judgment of the Cabinet, persistently makes default in the performance of the duties imposed upon it, or exceeds or abuses its powers; or

(b) on a representation made by a village council or by the inhabitants of the village wherein such council is established, the Cabinet is satisfied that the further continuance in office of such a council is prejudicial to the welfare of the inhabitants of the village.
