

THE MUNICIPAL OFFICERS
(SURCHARGE) ACT

Acts
38 of 1967,
4 of 2016
S. 35.

[22nd December, 1967.]

1. This Act may be cited as the Municipal Officers (Surcharge) Act. Short title.

2. In this Act— Interpre-
tion.

“appropriate authority”, in relation to a person who is or was a municipal officer, means the authority designated pursuant to section 3 in relation to that person;

“municipal money” means any money belonging or payable to a scheduled body;

“municipal officer” means a person in the employment of a scheduled body;

“scheduled body” means a body specified in the Schedule. Schedule.

3. The Minister may from time to time designate a municipal officer or a public officer to be the appropriate authority for the purposes of this Act either generally in relation to persons who are or were in the employment of one or more scheduled bodies specified in such designation or in relation to a person who is or was a municipal officer or to persons who are or were municipal officers of a particular category so specified. Designa-
tion of
appropriate
authority.

4.—(1) If it appears to the appropriate authority upon a report by the Auditor-General that any person who is or was a municipal officer— Surcharge
by
appropriate
authority.

MUNICIPAL OFFICERS (SURCHARGE)

- (a) has failed to collect any municipal moneys for the collection of which such person is or was at the time of such employment responsible;
- (b) is or was responsible for any deficiency in, or for the loss or destruction of any municipal moneys, or any stamps, securities, stores or other property of a scheduled body,

and if, within a period specified by the appropriate authority an explanation satisfactorily to him is not furnished with regard to such failure to collect, deficiency, loss or destruction, as the case may be, the appropriate authority may surcharge against the said person the amount not collected or such deficiency, loss or the value of the property destroyed, as the case may be, or such lesser amount as the appropriate authority may determine.

(2) No such surcharge shall be made after the expiration of a period of three years from the date of such failure to collect, deficiency, loss or destruction, as the case may be.

Notifi-
cation of
surcharge.

5. The appropriate authority shall notify the Auditor-General and the person surcharged of any surcharge made under section 4 and shall, subject to sections 6 and 7, recover the amount surcharged from such person.

Withdrawal
of sur-
charge.

6. The appropriate authority may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no such surcharge ought to have been made, and in any such event the appropriate authority shall notify the Auditor-General of the withdrawal of any such surcharge.

Remedy
of person
aggrieved
by sur-
charge.

7.—(1) Any person who is dissatisfied with any surcharge made against him under section 4 shall have the right to appeal to the Privy Council within a period of one month immediately after he has been notified of the surcharge:

Provided that the Privy Council may authorize an appeal to be made after the expiration of such period of one month.

(2) The Privy Council may make such order confirming the surcharge or directing that the appellant be released wholly or in part from the surcharge as may appear just and reasonable. A copy of every such order shall be transmitted to the appropriate authority and to the Auditor-General.

8. The outstanding amount of any surcharge made under section 4 may, subject to sections 6 and 7, be sued for and recovered as a civil debt due to the scheduled body concerned by action at the suit of the appropriate authority in a court of competent jurisdiction, or the appropriate authority may direct that the amount of any surcharge which may be due from a municipal officer shall be recovered by monthly deductions from the salary of such officer in such amounts, not exceeding one-sixth of the amount payable monthly to such officer in respect of salary as the appropriate authority shall authorize.

Recovery of surcharge.

9. The Minister may from time to time by order amend or vary the Schedule.

Power to amend or vary Schedule.

4

MUNICIPAL OFFICERS (SURCHARGE)

4/2016
S. 35.

SCHEDULE

(Sections 2 and 9)

The National Water Commission