

LOCAL GOVERNMENT BILL, 2024

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LOCAL GOVERNMENT BILL, 2024

A BILL FOR AN ACT TO REPEAL AND REPLACE THE LOCAL GOVERNMENT ACT

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title and commencement.

- (1) This Act shall be cited as the Local Government Act, 2024.
- (2) This Act shall come into operation on such date appointed by the Minister by notice published in the *Gazette*.

2. Interpretation.

“**board**” means a board appointed by a Council;

“**Chairman**” means the person elected, under subsection (1) of section 11, as chairman of a town committee;

“**Chief Councillor**” means the person elected, under section 20;

“**committee member**” means a member elected to a town committee under the provisions of this Act;

“**competent authority**” means a public or private entity responsible for the regulation or governance of the performance of any functions required under this Act;

“**constituency**” has the meaning assigned thereto in Article 68 of the Constitution;

“**Council**” or “**District Council**” means a District Council established under the provisions of this Act;

- “**Councillor**” means a member elected to a Council under the provisions of this Act;
- “**District**” or “**local government district**” means an area with set boundaries as designated in the *First Schedule*;
- “**election**” means the election, in accordance with the provisions of this Act, of a committee member or of a Councillor;
- “**Family Island Administrator**” means a person appointed under section 67 as a Family Island Administrator;
- “**gross misconduct**” means conduct that amounts to an undermining of the trust and confidence placed in the committee or Council member to the extent that member should not be allowed to retain their position on the Council or town committee having regard to the facts and circumstances of the matter;
- “**Master Administrator**” means the Director, Deputy Director or any Assistant Director performing the duties of a Family Island Administrator in any local government district under section 67(2)
- “**Minister**” means the Minister responsible for Family Island Affairs;
- “**Parliamentary Commissioner**” means the Parliamentary Commissioner or Deputy Parliamentary Commissioner appointed under section 12 of the Parliamentary Elections Act (*Ch. 7*) and any person duly authorised to act on his behalf;
- “**polling division**” means any of the polling divisions described in an Order made by the Governor-General under subsection (1) of section 11 of the Parliamentary Elections Act (*Ch. 7*);
- “**postal packets**” means a letter, post card, newspaper, book packet, or parcel or every packet or article transmissible by post;
- “**public areas**” means monuments, cemeteries, children’s playgrounds, recreation grounds, public parks, public gardens, road verges, open spaces, public dock spaces public beaches, sport facilities, buildings used by the government, cultural or other leisure centres;
- “**registered voters**” means the persons registered to vote in a district or in a polling division;
- “**Register**” means the register (or any part thereof) of persons entitled to vote at an election of a Member of Parliament, which is prepared and kept under the provisions of the Parliamentary Elections Act (*Ch. 7*);
- “**Secretary**” means the person appointed as Secretary under section 76;
- “**town area**” means the division of areas of a district specified in the *Second Schedule* in accordance with section 8(1);
- “**town committee**”-means a town committee established under section 9.

PART II – DEPARTMENT OF LOCAL GOVERNMENT

3. Continuation of the Department of Local Government.

- (1) The department established under section 2A of the repealed Local Government Act (*Ch. 37*), known as the Department of Local Government is continued for the purposes of this Act.
- (2) The Department of Local Government shall be headed by a Director.

4. Director of Local Government and other officers.

- (1) There shall be appointed on terms and conditions as the Governor-General thinks fit —
 - (a) a Director of Local Government;
 - (b) a Deputy Director of Local Government; and
 - (c) one or more Assistant Directors of Local Government,who shall discharge the functions of this Act and be subject to the general direction and control of the Minister.
- (2) An Assistant Director appointed under this section shall be responsible for the Districts assigned to him.
- (3) Every officer on the staff of the Department of Local Government of or above the rank of Family Island Administrator shall be a public officer.

PART III – LOCAL GOVERNMENT DISTRICTS

5. Local Government Districts.

- (1) For the purposes of this Act, The Bahamas shall be divided into the Districts specified in the *First Schedule* and shall set out the names and boundaries therein.
- (2) The Minister shall further divide the Districts specified in the *First Schedule* into the Districts specified in the *Second Schedule* and the Districts specified in the *Third Schedule* respectively.
- (3) The names of the Districts in the *Second* and *Third Schedules* shall be set out in the respective Schedule.

6. Districts in the Second and Third Schedules.

- (1) The Minister may by Order divide any District specified in the *Second Schedule* into town areas.

- (2) The Districts specified in the *Third Schedule* shall not be divided into town areas.

7. Amendment of *First, Second and Third Schedules.*

- (1) The Minister may by Order amend the *First Schedule* to —
 - (a) alter the names and define boundaries of any District;
 - (b) declare any portion of The Bahamas (including New Providence or any part thereof) to be a District; and
 - (c) declare any District to cease to exist.
- (3) An Order made under subsection (1) shall be made at the end of a term of the members of the Council or town committee of a *Second Schedule* District, or of the Council of a *Third Schedule* District.
- (4) The Minister may make Regulations to address the consequences of an Order made under subsection (1).
- (5) The Minister may by Order amend the *Second and Third Schedules.*

PART IV – TOWN AREAS AND TOWN COMMITTEES

8. Town Areas

- (1) The Minister shall by Order divide a District specified in the *Second Schedule* into town areas.
- (2) The town area shall be described by a name and its boundaries defined in every Order made under subsection (1).

9. Town Committee.

- (1) Every town area shall have a town committee.
- (2) The town committee shall be a body corporate with perpetual succession and a common seal, capable of entering into contracts, of suing and being sued, of acquiring, holding, leasing and disposing of property of any description and of doing all such things and entering into such transactions as are incidental or conducive to the exercise and performance of its functions under this Act.
- (3) The registered voters of each polling division of a town area shall elect the number of committee members as the Minister may specify by Order to represent the town area.
- (4) A town committee shall not employ any person, or acquire or dispose of real property without the approval of the Minister in writing.

- (5) A town committee shall not enter into any contract which extends beyond the term of the members of the town committee.
- (6) Where a town committee enters into a contract which extends beyond the term of the town committee, the contract and any financial commitment therein shall be deemed null and void from the date of expiry of the term of the town committee.

10. Oath of office of committee members.

- (1) Committee members shall take and subscribe the oath of office in the form specified in the *Fourth Schedule* before the Family Island Administrator of the District.
- (2) The oath of office shall be taken and subscribed at the commencement of the first sitting of the town committee which shall be held no later than two weeks from the date of the return of the election results.

11. Election of Chairman and Deputy Chairman of a town committee.

- (1) At its first sitting, each town committee shall elect from among its members, a Chairman and a Deputy Chairman of the town committee.
- (2) The Chairman and Deputy Chairman shall hold office from the day of the election until the expiration of the term of the town committee or on resignation from the office of Chairman or Deputy Chairman.

12. Office of Chairman and Deputy Chairman of town committee.

- (1) The term of office of the Chairman and Deputy Chairman of a town committee elected under section 11 shall be three years.
- (2) The office of Chairman and Deputy Chairman of a town committee shall cease in the following circumstances—
 - (a) if he is no longer ordinarily resident in the District in which he presides;
 - (b) if he resigns as a member of the town committee;
 - (c) if he is absent for three consecutive regular meetings of the town committee without the written consent of the town committee;
 - (d) if he is removed from office in accordance with subsection (3);
 - (e) if he is convicted of a criminal offence punishable by a term of imprisonment of twelve months or more; or
 - (f) if he is incapacitated and unable to perform his duties under this Act for a period of sixty days or more.
- (3) The Chairman or Deputy Chairman may be removed from office by a majority vote of the committee members if the committee members determine, after an investigation by the committee members, that the

Chairman or Deputy Chairman has performed, in the course of his duties under this Act, an act which constitutes gross misconduct.

13. Vacancy in office of Chairman.

- (1) Where there is a vacancy in the office of Chairman due to his —
 - (a) resignation from the office of Chairman ;
 - (b) ceasing to hold office pursuant to section 21(2); or
 - (c) removal from office under section 12(3),the Deputy Chairman shall perform all the functions of Chairman until a new Chairman is elected in accordance with subsection (2).
- (2) Where a vacancy in the office of Chairman occurs under subsection (1), an election shall be held within seven days from the vacancy from among the remaining committee members at a meeting to be convened for the purpose.

14. Functions of Chairman of town committee.

- (1) The Chairman of a town committee shall —
 - (a) be responsible for carrying out the provisions of this Act in the town area;
 - (b) be the representative of the town committee for all purposes under this Act;
 - (c) preside over the meetings of the town committee;
 - (d) liaise and cooperate with the Secretary for the efficient working of the town committee; and
 - (e) co-ordinate the functions of the town committee.
- (2) The Chairman of each town committee shall co-operate between themselves for the better welfare of the town area which he represents.

15. Functions of town committees.

Notwithstanding the provisions of any written law, each town committee shall in conjunction with the appropriate competent authority —

- (a) provide for general health and sanitation, including street cleaning, the cleaning of drains, road verges and ditches, and the collection and removal of all refuse from any private place;
- (b) provide for the collection and removal of all refuse from any public place, the maintenance of cleanliness, the establishment, upkeep and maintenance of all public conveniences, dustbins, and other receptacles for the temporary deposit and collection of waste;

- (c) provide for the upkeep, maintenance and establishment, of monuments, cemeteries, children's playgrounds, recreation grounds, public parks, public gardens, road verges, open spaces, public beaches, and sport, cultural or other leisure centres in conjunction with the relevant competent authorities;
- (d) provide for the upkeep and maintenance of public wells and water tanks;
- (e) to provide and maintain proper road signs and road markings in conformity with the Road Traffic Act (*Ch. 220*);
- (f) to establish and maintain pedestrian and parking areas in the vicinity of schools, for the protection of school children;
- (g) to provide for —
 - (i) the naming or renaming of streets; and
 - (ii) the issue of guidelines for the upkeep, restoration, design or alteration of any building or any part of a building normally visible from a street, including the type of lighting and materials used, advertisements and shop fronts;
- (h) to provide for the upkeep and maintenance of, and improvements in, any street, footpath or road in the town area;
- (i) to cause to be delivered to any place within the town area (other than a post office), postal packets transmitted overland or by sea; and
- (j) to make provision in conjunction with any appropriate competent authority, for the upkeep and maintenance of public buildings, local ports, docks, harbours, wharves and jetties.

16. Fees for use of public areas.

- (1) A town committee may fix fees and charges for services provided by the town committee for the upkeep, maintenance and establishment, of public areas in conjunction with the relevant competent authorities.
- (2) The fees collected by a town committee pursuant to subsection (1) shall be deposited into the Local Government District General Account of the Council for that district.
- (3) The Minister may by Order prescribe and amend the fees charged under subsection (1).

17. Right of appeal to the District Council.

- (1) Any person aggrieved by a decision of a town committee in the performance of the town committee's functions under section 15 may, within fifteen days from the date the decision or order is communicated to him, appeal the decision or order in writing to the District Council.

- (2) Upon an appeal made in accordance with subsection (1), the District Council may confirm, modify or reverse the decision or order of the town committee.

PART V – DISTRICT COUNCILS

18. District Councils.

- (1) Every District specified in the *Second Schedule* and the *Third Schedule* shall have a District Council (“the Council”).
- (2) Subject to subsection (4), the Council shall be a body corporate with perpetual succession and a common seal, capable of entering into contracts, of suing and being sued, of acquiring, holding, leasing and disposing of property of any description, and of doing all such things and entering into such transactions as are incidental or conducive to the exercise and performance of its functions under this Act.
- (3) A Council shall not employ any person, or acquire or dispose of real property without the approval of the Minister in writing.
- (4) A Council shall not enter into a contract which extends beyond the term of the Council.
- (5) Where a Council enters into a contract which extends beyond the term of the Council, the contract and any financial commitment therein shall be deemed null and void from the date of expiry of the term of the Council.
- (6) The Council of a District specified in the *Second Schedule* shall consist of —
 - (a) the Chairman of every town committee of the District; and
 - (b) members, elected by committee members from among members of town committees as may be necessary to achieve the required number of Council members.
- (7) The Council of a District specified in the *Second Schedule* shall consist of a minimum of seven members and a maximum of nine members or other number of members as the Minister may specify by Order.
- (8) The Council of a District specified in the *Third Schedule* shall consist of a minimum of five members and a maximum of nine members elected by the registered voters of the District or other members as the Minister may specify by Order.

19. Oath of office of Council members.

- (1) Council members shall take and subscribe the oath of office in the form specified in the *Fourth Schedule* before the Family Island Administrator of the District.
- (2) The oath of office shall be taken and subscribed at the commencement of the first sitting of the Council which shall be held no later than two weeks from the date of the return of the election results.

20. Chief Councillor and Deputy Chief Councillor of a Council.

- (1) The Councillors of a District shall, within two weeks of the date of election, elect the Chief Councillor and the Deputy Chief Councillor from among the members of the Council.
- (2) The Chief Councillor and the Deputy Chief Councillor shall hold office from the day of the election until the expiration of the term of the Council or on resignation from the office of Chief Councillor or Deputy Chief Councillor.

21. Office of Chief Councillor and Deputy Chief Councillor of Council.

- (1) The term of office of the Chief Councillor and Deputy Chief Councillor elected under section 20 shall be three years.
- (2) The office of Chief Councillor and Deputy Chief Councillor shall cease in the following circumstances-
 - (a) if he is no longer ordinarily resident in the District in which he presides;
 - (b) if he resigns as a member of the Council;
 - (c) if he is absent for three consecutive regular meetings of the Council without the written consent of the Council;
 - (d) if he is removed from office in accordance with subsection (3);
 - (e) if he is convicted of a criminal offence punishable by a term of imprisonment of twelve months or more; or
 - (f) if he is incapacitated and unable to perform his duties under this Act for a period of sixty days or more.
- (3) The Chief Councillor or Deputy Chief Councillor may be removed from office by a majority vote of the members of the Council if the members of the Council determine, after an investigation by the members of the Council, that the Chief Councillor or the Deputy Chief Councillor has performed, in the course of his duties under this Act, an act which constitutes gross misconduct.

22. Vacancy in office of Chief Councillor.

- (1) Where there is a vacancy in the office of Chief Councillor due to his —
 - (a) resignation from the office of Chief Councillor;
 - (b) ceasing to hold office pursuant to section 21(2); or
 - (c) removal from office under section 21(3),the Deputy Chief Councillor shall perform all the functions of Chief Councillor until a new Chief Councillor is elected in accordance with subsection (2).
- (2) Where a vacancy in the office of Chief Councillor occurs under subsection (1), an election among the remaining Council members shall be held at a meeting to be convened for the purpose within seven days from the vacancy.

23. Functions of Chief Councillor.

- (1) The Chief Councillor shall —
 - (a) be responsible for carrying out the provisions of this Act in the District which he represents;
 - (b) ensure coordination of the respective functions of Councillors and committee members;
 - (c) represent the Council for all purposes under this Act;
 - (d) preside over meetings of the Council;
 - (e) ensure the public is informed of the work of the Council; and
 - (f) coordinate the functions of the Council in consultation with the Secretary.
- (2) Where an island is divided into two or more Districts, the Chief Councillors of those Districts shall co-operate for the better welfare of the island and the respective Districts they represent.

**SECOND SCHEDULE DISTRICT COUNCIL - ROAD TRAFFIC
FUNCTIONS****24. Appointment of road traffic board by Council.**

- (1) Subject to subsections (3) and (4), each Council of a *Second Schedule* District shall appoint a board to be called the “road traffic board” which shall grant or refuse an application for —
 - (a) a new franchise;
 - (b) renewal of franchise;
 - (c) variation of the terms or conditions of a franchise; or

- (d) transfer of an existing franchise.
- (2) The board shall have the power to suspend or revoke a franchise.
- (3) No person shall be qualified for appointment to a board under this section if that person has any direct or indirect financial interest in, or connection with, any road transport undertaking which carries passengers.
- (4) The board shall not grant or carry out functions under this Part in relation to a franchise not owned by a citizen of The Bahamas except with the written approval of the Minister responsible for road traffic.

25. Road traffic functions of the board and Council.

- (1) For the purposes of carrying out its functions under sections 86 to 91 of the Road Traffic Act (*Ch. 220*), the road traffic board shall, in its District, perform all of the functions of the Road Traffic Authority under the Road Traffic Act (*Ch. 220*).
- (2) For the purposes of carrying out its functions under sections 68 and 69 of the Road Traffic Act (*Ch. 220*), the Council in its District shall perform all of the functions of the Controller of Road Traffic under the Road Traffic Act (*Ch. 220*).

**SECOND SCHEDULE DISTRICT COUNCIL – PORT AUTHORITY
FUNCTIONS**

26. District Council to appoint port board.

Each Council of a *Second Schedule* District shall appoint a board to be called the “port board” to perform in the District the powers and functions of the Port Authority under the —

- (a) Port Authorities Act (*Ch. 269*);
- (b) Boat Registration Act (*Ch. 277*);
- (c) Commercial Recreational Watercraft Act (*Ch. 278A*); and
- (d) Water Skiing and Motor Boat Act (*Ch.278*).

**SECOND SCHEDULE DISTRICT COUNCILS – TOWN PLANNING
COMMITTEE FUNCTIONS**

27. District Council Planning and subdivision functions.

- (1) Subject to subsections (2) and (4), each Council of a *Second Schedule* District shall appoint a board to be called the “town planning board” which shall have and perform in the District, the power of the Town Planning Committee to grant or refuse approval in principle for the

following applications in accordance with Planning and Subdivision Act (*Ch.255*)—

- (a) application for Land Use Plan Amendment Approval ;
 - (b) application for Zoning Bye-law Amendment Approval;
 - (c) application for Minor Variance Approval;
 - (d) application for Site Plan Approval;
 - (e) application for Architectural Design Approval;
 - (f) application for Subdivision Approval;
 - (g) application for Severance Approval;
 - (h) application for Notice of Zoning Compliance; and
 - (i) other applications submitted to the Town Planning Committee.
- (2) A town planning board may approve the commencement or erection of —
- (a) a building or a group of buildings where the —
 - (i) structures are single storey; and
 - (ii) the combined floor area of the building does not exceed one thousand two hundred square feet; or
 - (iii) the combined floor area does not exceed three thousand square feet and the combined floor area is confirmed to the Council by a government engineering officer of or above the grade of a District Works Controller;
 - (b) the building or group of buildings is not intended to be constructed for —
 - (i) any industrial purpose;
 - (ii) use as a garage or service station, a shop, club, bar-room, place of public entertainment; or
 - (iii) any special use or purpose notified by the Minister to the Council as being a use or purpose requiring consideration by the Town Planning Committee.
- (3) A town planning board shall grant or refuse an approval in principal of the application for a licence of a new business or a new branch of an existing business.
- (4) The town planning board shall not process an application under this section made by a person who is not a citizen of The Bahamas unless the person has submitted —
- (a) the relevant certificate of registration or permit pursuant to the International Persons Landholding Act (*Ch. 140*); and
 - (b) evidence of payment of real property tax for the property for which he is making application as registered owner.

SECOND SCHEDULE DISTRICT COUNCILS - HOTEL LICENSING FUNCTIONS

28. District Council hotel licensing functions.

Each Council of a *Second Schedule* District shall appoint a board to be called the “hotel board” which shall exercise in the District, the power to grant approval in principle for —

- (a) a new licence to operate a hotel;
- (b) a renewal of an existing licence to operate a hotel;
- (c) a variation of conditions of an existing licence including control of the company which is an operator of the hotel; and
- (d) a transfer of a licence to operate a hotel.

SECOND SCHEDULE DISTRICT COUNCIL - BUILDING CONTROL OFFICER FUNCTIONS

29. District Council building control officer functions.

(1) Subject to subsection (2), each Council of a *Second Schedule* District shall have and exercise in the District, the power of the Buildings Control Officer under the Buildings Regulation Act (*Ch. 200*) to grant or deny approval for —

- (a) a building or group of buildings where the —
 - (i) structures are single storey; and
 - (ii) the combined floor area does not exceed one thousand two hundred square feet; or
 - (iii) the combined floor area does not exceed three thousand square feet and the combined floor area is confirmed to the Council by a government engineering officer of or above the grade of a District Works Controller;
- (b) the building or group of buildings is not intended to be constructed for —
 - (i) any industrial purpose;
 - (ii) use as a garage or service station, a shop, club, bar-room, place of public entertainment; or
 - (iii) any special use or purpose notified by the Minister to the Council.

(2) The Council shall not process an application under this section made by a person who is not a citizen of The Bahamas unless the person has submitted —

- (a) the relevant certificate of registration or permit pursuant to the International Persons Landholding Act (*Ch. 140*); and
- (b) evidence of payment of real property tax for the property for which he is making application as registered owner.

SECOND SCHEDULE DISTRICT COUNCIL - BUSINESS LICENCE FUNCTIONS

30. District Council business licence functions.

Each Council of a *Second Schedule* District shall exercise in the District, the power to grant or deny approval in principle of an occasional or temporary licence under the Business Licence Act, 2023 (*No. 13 of 2023*).

SECOND SCHEDULE DISTRICT COUNCIL – GENERAL FUNCTIONS

31. District Council general functions.

The Council of a *Second Schedule* District shall, in relation to that District—

- (a) formulate traffic schemes specified by the Minister acting on the advice of the Minister responsible for Road Traffic;
- (b) formulate town planning, and building schemes specified by the Minister acting on the advice of the Minister responsible for Public Works;
- (c) provide in conjunction with the appropriate competent authority —
 - (i) public transportation;
 - (ii) the maintenance and upkeep of public buildings, Government-owned airport terminal buildings, hospitals, clinics and their environs;
 - (iii) the supply of energy for the purpose of lighting any street in the District;
 - (iv) the supply of potable water for the use of members of the public by means of standpipes and taps situated in public places;
 - (v) a telephone system and telephone service for the District; and
 - (vi) boat registration;
- (d) provide the maintenance and upkeep of public school buildings and their environs where no School Board is established;

- (e) make recommendations for the use of Crown Land to the Minister responsible for Crown Lands;
- (f) make recommendations for development and promotion of tourism to the Minister responsible for tourism;
- (g) provide, for all such other works, things, matters and services as are specified, by any written law, to be within the jurisdiction of a Council;
- (h) carry out such other functions as the Minister may specify.

THIRD SCHEDULE DISTRICT COUNCIL FUNCTIONS

32. Third Schedule District Council road traffic functions.

- (1) The Council of a *Third Schedule* District shall perform the road traffic functions conferred upon boards by section 25(1) and Councils by section 25(2).
- (2) The Council shall not grant or carry out any functions under this Part in relation to a franchise that is not a citizen of The Bahamas except with the written approval of the Minister.

33. Third Schedule District Council port department functions.

- (1) The Council of a *Third Schedule* District (other than the City of Freeport) shall perform the port department functions conferred upon boards by sections 26.
- (2) Subject to section 7 of the Port Authorities Act (*Ch. 269*), the Council of a District (other than the City of Freeport) may, upon such terms as it may think fit, grant to any person a right for or in connection with the construction in its District of any wooden pier not exceeding one hundred and twenty feet and does not require excavation of the land or seabed.
- (3) Before any right is granted under subsection (2), the Council shall be satisfied that the consent of the owners of the land to which the pier is to be attached has been obtained.

34. Third Schedule District Council town planning functions.

The Council of a *Third Schedule* District (other than the City of Freeport) shall perform the town planning functions conferred upon boards by section 27.

35. Third Schedule District Council hotel licensing functions.

The Council of a *Third Schedule* District shall perform the hotel licensing functions conferred upon boards by sections 28.

36. Third Schedule District Council buildings control officer functions.

The Council of a *Third Schedule* District (other than the City of Freeport) shall perform the functions of the building control officer conferred upon *Second Schedule* District Councils by section 29.

37. Third Schedule District Council business licence functions.

The Council of a *Third Schedule* District (other than the City of Freeport) shall perform the business licence functions conferred upon boards by section 30.

38. Third Schedule District Council general functions.

The Council of a *Third Schedule* District (other than the City of Freeport) shall, in relation to that district —

- (a) formulate traffic schemes specified by the Minister acting on the advice of the Minister responsible for Road Traffic;
- (b) formulate town planning, and building schemes specified by the Minister acting on the advice of the Minister responsible for Public Works;
- (c) provide in conjunction with the appropriate competent authority —
 - (i) public transportation;
 - (ii) the maintenance and upkeep of public buildings, and Government-owned airport terminal buildings, hospitals, clinics and their environs;
 - (iii) the supply of energy for the purpose of lighting any street lights in that district;
 - (iv) the supply of water for the use of members of the public by means of standpipes and taps situated in public places; and
 - (v) a telephone system and telephone service for the district; and
 - (vi) boat registration;
- (d) provide the maintenance and upkeep of public school buildings and their environs where no School Board is established;
- (e) cause to be delivered to any place within the town area (other than a post office), postal packets transmitted overland or by sea;
- (f) make recommendations for the use of Crown Lands, to the Minister responsible for Crown Lands;
- (g) make recommendations for the development and promotion of tourism to the Minister responsible for tourism;
- (h) provide for all other works, things, matters and services within the jurisdiction of a Council as are specified by any written law; and
- (i) carry out such other functions as the Minister may specify.

39. City of Freeport District Council functions.

- (1) The Council of the City of Freeport District shall have, in relation to that District, the functions conferred upon boards by sections 24 through 25 and section 28.
- (2) The Council of the City of Freeport District shall —
 - (a) perform, in relation to that District, the functions conferred upon boards by subsection (1); or
 - (b) appoint boards to carry out the functions conferred upon boards by subsection (1).
- (3) Where the Council appoints a board to perform the functions under subsection (1), sections 40 and 41 of this Act shall apply.
- (4) The Council of the City of Freeport District shall perform in relation to that District the functions in respect of —
 - (a) the formulation of traffic schemes;
 - (b) public transportation in conjunction with the appropriate competent authority;
 - (c) the maintenance and upkeep of public buildings, and Government-owned airport terminal buildings, hospitals, and their environs;
 - (d) boat registration under the Boat Registration Act (*Ch.277*) and Commercial Recreational Watercraft Act (*Ch.278A*);
 - (e) the supply of water for the use of members of the public by means of standpipes and taps situated in public places
 - (f) a telephone system and service for public and private use and purposes; and
 - (g) provide the maintenance and upkeep of public school buildings and their environs where no School Board is established;
 - (h) recommendations for the use of Crown Land to the Minister responsible for Crown Lands;
 - (i) recommendations for the development and promotion of tourism to the Minister responsible for tourism;
 - (j) carry out such other functions as the Minister may specify; and
 - (k) provide for all such other works, things, matters and services as are specified, by any written law, to be within the jurisdiction of a Council.
- (5) The Council of the City of Freeport District shall, in relation to the District —
 - (a) provide for the upkeep, maintenance and establishment, of public areas in conjunction with the appropriate competent authority;

- (b) provide and maintain proper road signs and road markings; and to establish and maintain pedestrian and parking areas and provide for the protection of school children in the vicinity of schools;
- (c) provide for the naming or renaming of streets in conjunction with the appropriate competent authority; and
- (d) cause to be delivered, to any place within the City of Freeport (other than a post office), postal packets transmitted overland or by sea.

BOARDS

40. Boards.

- (1) Each board appointed by a Council pursuant to the provisions of this Act shall consist of seven members one of whom shall be appointed Chairman.
- (2) A person shall not be required to be an existing Councillor or committee member to be eligible for appointment as a member of a board.
- (3) In appointing a board member, a Council shall consider the need for representation on the board, and the interests of the town area.
- (4) Each member of a board shall hold office for a period, not exceeding two years, or until the term of office of the Council expires.
- (5) A person aggrieved by a decision of a board in the exercise or purported exercise of any power conferred upon it under this Act, may appeal the decision in writing to the Council within fifteen days from the date on which a decision is communicated to him.
- (6) Upon an appeal under subsection (5), the Council may confirm, modify or reverse the decision of the board or may make such other order as the Council thinks just.
- (7) The Council may, in writing, revoke the appointment of a member of a board, if the member —
 - (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
 - (b) is convicted and sentenced to a term of imprisonment;
 - (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act or the Road Traffic Act (*Ch.220*), the Planning and Subdivision Act (*Ch.255*), the Port Authorities Act (*Ch.269*), or the Hotels Act (*Ch. 288*), as appropriate to the board he is appointed to; or
 - (d) engages in such activities as are reasonable considered prejudicial to the interest of the board.

41. Right of appeal to Minister.

- (1) Any person aggrieved by any decision or order of a Council under section 40, may within fifteen days from the date on which such decision or order is communicated to him, appeal the decision or order in writing to the Minister.
- (2) Upon an appeal, the Minister may confirm, modify or reverse the decision or order of the Council or may make such other order as the Minister thinks just.
- (3) The Minister may delegate the authority to hear an appeal under this section to the Director, Deputy Director or Assistant Director.

42. Remuneration of board members.

Members of a board shall receive the remuneration and allowances set out in the *Fifth Schedule* which shall be payable monthly.

PART VI – REGISTRATION OF VOTERS, AND ELECTIONS

43. Registration of voters, and conduct of elections.

- (1) An election of Councillors of a District specified in the Third Schedule pursuant to section 18(8), and town committee members pursuant to section 9(3), shall be held on the third Wednesday of June, 2027 and thereafter, on the third Wednesday in the month of June every three years.
- (2) The election of Councillors and town committee members shall be held using the register last compiled and published by the Parliamentary Commissioner under the Parliamentary Elections Act.
- (3) The register shall contain the names of voters eligible to vote in the election of Councillors and committee members in the relevant Districts and shall be made available for inspection in accordance with section 26 of the Parliamentary Elections Act (*Ch. 7*).
- (4) The provisions of the Parliamentary Elections Act relating to -
 - (a) the nomination of candidates;
 - (b) the conduct of elections, and
 - (c) election petitions, and inquiries into qualifications, as if references in those provisions -
 - (i) to publication of the register, were references to publication by making a copy of the register available for inspection by

the public at the office of the Family Island Administrator or at the post office, of the relevant District;

- (ii) to a constituency, were references to a District or a town area , as the case may be;
- (iii) to an election of a Member of Parliament, were references to an election of a Councillor or committee member; and

shall apply to elections for Councillors and committee members..

- (5) Where an election is unable to be held in accordance with subsection (1) due to extraneous circumstances, the Minister may appoint an alternative date for election by Order published in the *Gazette*.
- (6) Where the Minister postpones an election of Councillors or town committee members , the term of office of Councillors or town committee members—
 - (a) in office at the time of postponement, shall be extended by the same period by which the elections are postponed; and
 - (b) elected after the postponement, shall be reduced by the same period by which the term of office of the Councillors or town committee members was extended.
- (6) For the purpose of this section “**extraneous circumstances**” means any cause or circumstances where the normal functioning of community is disrupted.

44. Declaration of assets and deposit.

The provisions of section 36 of the Parliamentary Elections Act (*Ch.7*) shall apply to the nomination of candidates for any election of Councillors or committee members , except that—

- (a) no candidate shall be required to make a declaration of his assets, income or liabilities;
- (b) a candidate shall be required to file with the Parliamentary Commissioner a declaration that he is ordinarily resident in premises in the polling division in which he is a candidate;
- (c) a candidate shall be required to deposit the sum of fifty dollars in lieu of the sum specified in paragraph (b) of section 37(1) of the Parliamentary Elections Act (*Ch.7*); and
- (d) the deposit of a candidate in accordance with paragraph (c) shall be forfeited if the number of votes polled by that candidate does not exceed one-sixth of the total number of ballot papers cast in the town area or District being contested by such candidate.

45. Duties of Parliamentary Commissioner in elections of committee members and Councillors.

- (1) The Parliamentary Commissioner shall assign a symbol to a person nominated as a candidate for any election of Councillors or committee members and the assigned symbol shall become the symbol of the candidate for that election.
- (2) The symbol assigned to a candidate by the Parliamentary Commissioner under subsection (1) shall be printed upon every ballot paper opposite the name of the candidate.
- (3) The Parliamentary Commissioner shall cause the symbols assigned under subsection (1) to be posted in a conspicuous place in the office of the Family Island Administrator or in the post office of the relevant District.

46. Appointment by Minister where number of candidates are insufficient.

- (1) Subject to subsection (3), where no candidates are nominated to contest the election of a Council or a town committee, the Minister shall appoint a Committee of Management which shall perform all the duties of the Council or town committee until a new Council or town committee is elected.
- (2) Where the number of candidates nominated to contest the election of a Council or town committee is insufficient at any time on or before the day set for the election pursuant to section 43(1), the candidates standing nominated shall be declared to be elected to Council or the the town committee and the Minister shall appoint additional persons to constitute a council or town committee in accordance with this Act.
- (3) The Minister shall direct the Parliamentary Commissioner in a case mentioned in subsection (1), to hold the election of a new Council or town committee within a period of six months.
- (4) Any person elected in accordance with subsection (3), shall hold office for the remainder of the term of the town committee.

47. Postponement of election of committee members.

- (1) Subject to subsection (2), if elections for Councillors or committee members are due to be held within six months before the holding of general elections or referenda, the Minister may postpone the election of Councillors or committee members to a date no later than six months from the holding of such general elections or referenda.
- (2) Where the Minister postpones an election for Councillors or committee members, the term of office of the Councillors or committee members—

- (a) in office at the time of postponement, shall be extended by the same period by which the elections are postponed; and
- (b) elected after the postponement, shall be reduced by the same period by which the term of office of the Councillors or committee members was extended.

48. Vacancies in membership of Council and town committee.

- (1) Where a vacancy occurs in the membership of a Council or town committee, the Secretary shall send to the Minister and the Parliamentary Commissioner, a written notice of the vacancy within six days after the vacancy has occurred.
- (2) Subject to subsection (3), where the Minister has received written notice of vacancy in the membership of a Council or town committee, the Minister shall fix a date for an election to fill the vacancy in accordance with the provisions of this Act, no later than sixty days after the date on which the vacancy occurred.
- (3) Subject to subsection (4), where a vacancy in the membership of a Council or town committee occurs within six months of the expiration of the term of office of the Council or town committee —
 - (a) no election shall be held; and
 - (b) the Council or town committee shall be deemed to be fully constituted for the remainder of the term of office.
- (4) Where a term of office has been extended under section 47(1), no further election shall be held if the term of office of the Council or town committee has been extended.

49. By-election of Council and committee members.

The provisions of sections 43, 44 and 45 shall apply in respect of an election conducted under sections 46, 48 or 58, and the register applicable in the case of an election conducted under sections 46, 48 or 59 shall be the register in force at the time of the election.

50. Proceedings where vacancy in membership of Council and town committee.

Where a vacancy occurs in the membership of a Council or town committee, the following provisions shall apply —

- (a) the Council or town committee shall be deemed to be fully constituted for the purposes of this Act and any proceedings, actions and decisions of the Council or town committee shall be deemed valid until the vacancy is filled;

- (b) fifty per cent plus one other member of the Council or town committee shall form a quorum at a Council or town committee meeting; and
- (c) a decision shall be adopted by a simple majority and, in the case of an equality of votes, the person presiding at the meeting shall have and exercise a casting vote.

51. Eligibility for election to Council or town committee.

A person shall be qualified to be elected as a member of a Council or town committee if that person is registered as a voter in that part of the Register for a polling division in the town area or District being contested by that person.

52. Persons not qualified to stand for election.

No person shall be qualified to stand for election as a member of a Council or town committee or to remain a member thereof if he is—

- (a) a Senator or a member of the House of Assembly;
- (b) a Justice of the Court of Appeal, or a Justice of the Supreme Court;
- (c) a stipendiary and circuit magistrate;
- (d) a Family Island Administrator, or any person employed in the office of the Council, town committee or Family Island Administrator;
- (e) a member of the Royal Bahamas Police Force including police reserve officers;
- (f) a member of the Royal Bahamas Defence Force;
- (g) a person who holds an office, the functions of which, involve any responsibility for the conduct of an election of members of a Council or a town committee, or the compilation of or revision of the register;
- (h) a head of an agency defined in the Public Finance Management Act, 2023 (*No. 4 of 2023*) and other statutory body;
- (i) a public officer holding a post set out in the *Sixth Schedule*;
- (j) a person who has been convicted of any criminal offence and is liable to a term of imprisonment exceeding twelve months;
- (k) an undischarged bankrupt;
- (l) a person certified to be suffering from mental disorder under any written law; or
- (m) not registered in the polling division.

53. Interpretation of Part VI.

For the purposes of this Part and section 59 —

“**Council**” means the Council of a District specified in the Third Schedule; and
“**Councillor**” shall be construed accordingly.

PART VII – COUNCILLORS AND COMMITTEE MEMBERS

54. Term of office of Councillors and committee members.

- (1) Councillors and committee members shall hold office from the day of their election until —
 - (a) the expiration of the term of the relevant Council or town committee;
 - (b) he resigns from office in accordance with section 56;
 - (c) the office is deemed vacant in accordance with subsection (4); or
 - (d) the office is vacated in accordance with section 57.
 - (e) he is convicted of a criminal offence punishable by a term of imprisonment of twelve months or more; or
 - (f) he is incapacitated and unable to perform his duties under this Act for a period of sixty days or more.
- (2) A Councillor or committee member shall be eligible for re-election.
- (3) The term of office of any person —
 - (a) elected to fill a vacancy in a Council or town committee; or
 - (b) elected to a Council or town committee where that Councillors' or committee's election was postponed for any reason, shall be the remaining period of the term of office.
- (4) The office of a Councillor or committee member shall be deemed vacant if he is no longer ordinarily resident in the district where he was elected.

55. Remuneration of Councillors and committee members.

- (1) Councillors and committee members shall receive the remuneration and allowances as set out in the *Fifth Schedule* which shall be payable monthly.
- (2) The Minister may amend the *Fifth Schedule* by Order after consultation with the Minister of Finance.

56. Resignation of Council or committee members.

- (1) A Councillor or committee member may at any time resign his office by notice —
 - (a) in writing signed by him and delivered to the Secretary; or

- (b) given verbally in a meeting.
- (2) A notice of resignation delivered to the Secretary by a Councillor or committee member pursuant to subsection (1)(a) shall take effect from the date of the receipt of the notice by the Secretary and his office shall become vacant as of such date.
- (3) A notice of resignation given verbally in a meeting pursuant to subsection (1)(b) shall take effect immediately and shall be recorded in the Minutes of that meeting.

57. Absence from meetings.

If a Councillor or committee member is absent for three consecutive meetings of the Council or town committee without the written consent of the Council or town committee in writing, his office shall be deemed vacated.

58. Removal of members of Council or town committee.

The Governor-General may by Order remove all members of a Council or town committee upon —

- (a) a report, from any local government auditor appointed under section 90, of the Council's or town committee's persistent breach of its financial responsibilities; or
- (b) formal notice by the Minister specifying the Council's or town committee's persistent breach of the provisions of this Act,

if the Governor-General deems it to be in the public interest that the members of Council or town committee be removed.

59. Election to follow removal of Council of a Third Schedule District or town committee.

- (1) Subject to subsection (2), upon the removal of members of a Council or town committee in accordance with section 58, the Parliamentary Commissioner shall, within sixty days, hold an election for a new Council of a District specified in the Third Schedule or town committee.
- (2) The Parliamentary Commissioner shall not hold an election under this section where the remaining term of office of the members removed from the Council or town committee is less than six months from the next scheduled election date.
- (3) Where the remaining term of office of the members removed from the Council or town committee is less than six months from the next scheduled election date, the Minister may appoint a Committee of Management to perform the functions of the Council or town committee until a new Council or town committee is elected.

- (4) Where the Minister does not appoint a Committee of Management pursuant to subsection (3), the Secretary shall perform the functions of the Council or town committee until a new Council or town committee is elected.
- (5) A Council or town committee elected under this section shall hold office until the next election.

PART VIII – PROCEDURE AND MEETING

60. Procurement by Council or town committee.

- (1) The functions of the Council or town committee under this section shall include the procurement of goods, works or services in a fair, equitable and transparent manner using competitive bidding procedures —
 - (a) based on the application of objective and non-discriminatory technical specifications, selection and award criteria;
 - (b) with a view to providing the Government with value for money, goods, works, and services, by the most timely, cost-effective and efficient means possible; and
 - (c) in accordance with the Public Procurement Act, 2023 (*No. 3 of 2023*), and any regulations made thereunder.
- (2) Subject to subsection (1) where the Council or town committee offers for tender any work related to its duties, the Council or town committee shall —
 - (a) utilize the electronic procurement system managed by the Public Procurement Department; and
 - (b) ensure notice of the procurement is displayed on the notice board at the office of the Council or town committee, and the office of the Family Island Administrator.
- (3) The Secretary of the Council or town committee shall be responsible for —
 - (a) planning of procurement for the Council or town committee; and
 - (b) preparation of invitations to bid and of bidding documents.
- (4) The functions of the procurement unit of the Department of Local Government, shall include —
 - (a) publication and distributions of invitation;
 - (b) reception and safeguarding of bids;
 - (c) evaluation of bids, quotes and proposals; and
 - (d) administration and implementation of a procurement contract.

- (5) Where the estimated value of a procurement contract is less than one thousand dollars the Council or town committee shall obtain three quotes and select the successful vendor and where it is not possible to obtain three quotes, a written justification must be provided.
- (6) Where the estimated value of a procurement contract is between one thousand dollars and four thousand nine hundred and ninety-nine dollars —
 - (a) a Council or town committee shall publish a tender notice on the public notice board of the District;
 - (b) the Family Island Administrator shall accept bids from bidders;
 - (c) the Secretary opens the bids for consideration in a duly constituted meeting;
 - (d) the Council or town committee selects the successful vendor and a contract is formally executed.
- (7) Where the estimated value of a procurement contract is between five thousand dollars and twenty-five thousand dollars —
 - (a) a Council or town committee shall submit the requisite tender documents to the Department of Local Government for approval and publishing;
 - (b) subject to publication and closure of the bidding period, the department of local Government shall open and submit the bids to the Family Island Administrator;
 - (c) the Secretary submits the bids to the Council or town committee for evaluation in a duly constituted meeting;
 - (d) Council or town committee recommends the successful bidder to the Department of Local Government;
 - (e) the Department of Local Government generates and provides the award certificate to the Council or town committee;
 - (f) the Council or town committee formally executes the contract with the successful bidder.
- (8) Where the estimated value of a procurement contract is more than twenty-five thousand dollars but does not exceed four hundred thousand dollars —
 - (a) a Council or town committee shall submit the requisite tender documents to the Department of Local Government for approval and publishing;
 - (b) subject to publication and closure of the bidding period, the department of local Government shall open and submit the bids to the Family Island Administrator;

- (c) the Secretary submits the bids to the Council or town committee for evaluation in a duly constituted meeting;
 - (d) Council or town committee recommends the successful bidder to the Department of Local Government;
 - (e) the Department of Local Government submits the recommendation to the Minister for approval;
 - (f) the Minister's decision is communicated to the Department of Local Government to generate and provide the award certificate to the Council or town committee;
 - (g) the Council or town committee formally executes the contract with the successful bidder.
- (10) Where the estimated value of a procurement contract is more than four hundred thousand dollars, the procurement unit of the Department of Local Government shall carry out procurement in accordance with the Public Procurement Act, 2023 (*No. 3 of 2023*).
- (11) Subject to section 20 of the Public Procurement Act, 2023 (*No. 3 of 2023*), a Council or town committee shall not, for the purposes of determining the appropriate procurement method, divide a procurement with the intention of avoiding the financial thresholds above.

61. Arrangements with public entities or non-profit organisations.

- (1) With the approval of the Minister, and subject to the provisions of section 60, a Council or town committee may make arrangements with any public entity or non-profit organisation for the exercise of any functions by the public entity or non-profit organisation on behalf of the Council or town committee, on such terms and conditions as may be agreed in writing.
- (2) For the purposes of this section “public entity” means a ministry or department of the Government and includes an Agency and a Government Business Enterprise as defined in the Public Finance Management Act, 2023 (*No. 4 of 2023*).

62. Arrangements for the supply of goods and services or interchange of staff.

Subject to the provisions of section 60, a Council or town committee may make arrangements with any other Council or town committee or any public body or Government department, on such terms and conditions as may be agreed in writing, for —

- (a) the supply by one party to the other of any goods;
- (b) the provision by one party to the other of any administrative, professional or technical services;

- (c) the use by one party of any vehicle, plant or apparatus belonging to the other and the placing at the disposal of the first-mentioned party, of the services of any person employed in connection with the vehicle, plant or apparatus in question;
- (d) the provision or maintenance by one party of any works, facility, amenity, equipment or thing for the provision or maintenance of which the other is responsible.

63. Council and Town committee meetings.

- (1) Meetings of a Council or town committee shall be held at the office of the Council or town committee or at any other place the Council or town committee may specify.
- (2) A Council or town committee may regulate its own procedure in consultation with the Secretary.
- (3) Council and town committee meetings shall be held at least once a month.
- (4) An extraordinary meeting of the Council or town committee may be called at the request of at least one-third of the Council or committee members in office or at the request of the Chairman.

64. Admission of public to meetings.

- (1) Subject to subsections (2) and (3), the meetings of a Council or town committee shall be open to the public.
- (2) The Council or town committee may, by a majority of votes, decide that any particular meeting of the town committee shall be held in private at a public place.
- (3) Notwithstanding subsection (2), the Council or town committee shall, at least once each quarter, meet in public.
- (4) Nothing in this section shall affect or derogate from any power of the Council or town committee to exclude persons from a meeting for the purpose of preventing or suppressing disorderly conduct or other misbehaviour at a meeting.

65. Town area meetings.

- (1) A Council or town committee shall, at least once a year, call a town area meeting which shall be open to persons registered to vote in that District or town area.
- (2) The town area meeting shall be held at a public place determined by the Council or town committee in consultation with the Family Island Administrator.

- (3) A notice, indicating the time and place for a town area meeting, shall be displayed on the notice board at the office of the Council or town committee, the office of the Family Island Administrator and in any other place they deem fit not less than fourteen days prior to the town area meeting.

66. Conflicts of interest.

- (1) A Council or committee member who —
 - (a) is a party to a contract or proposed contract with the Council or town committee;
 - (b) is a director or an officer of any entity that is a party to a contract or proposed contract with the Council or town committee; or
 - (c) is an immediate family member of a party to a contract or proposed contract with the Council or town committee;
 - (d) by the nature of their intimate relationship to a party to a contract or proposed contract with the Council or town committee might give more favourable consideration as a result thereof,shall disclose in writing to the Secretary the nature and extent of that interest, or request to have entered in the minutes of the meeting, the nature and extent of that interest.
- (2) The disclosure under subsection (1) shall be made immediately after the Councillor or committee member becomes aware that a proposed contract is to be considered or a contract has been considered at a meeting.
- (3) Where a Council or committee member has made a disclosure under subsection (1), that Council or committee member shall not be present at any meeting of the Council or town committee while the contract is being considered at such meeting or vote on any resolution to approve the contract.
- (4) Where a Council or committee member fails to disclose his interest in material contract pursuant to subsection (1), he commits an offence and is liable on summary conviction to a fine not exceeding the value of the contract or to a term of imprisonment not exceeding twelve months or both.
- (5) For the purposes of this section “immediate family” shall include spouse, children, parents, siblings and cousins.

PART IX – FAMILY ISLAND ADMINISTRATORS, OFFICERS AND EMPLOYEES

67. Appointment of Family Island Administrators.

- (1) For the purpose of assisting the Minister in the administration of this Act, there shall be appointed in respect of each District —
 - (a) a Family Island Administrator; and
 - (b) public officers as may be assigned to the staff of the Family Island Administrators.
- (2) The Director, the Deputy Director of Local Government and the Assistant Directors of Local Government shall be ex officio Master Family Island Administrators for the purpose of this Act and any other written law.

FAMILY ISLAND ADMINISTRATOR FUNCTIONS

68. Family Island Administrator port authority functions.

Notwithstanding the provisions of any other law, the Family Island Administrator of a District, shall —

- (a) act as collector of all revenue under the Port Authorities Act (*Ch. 269*) —
 - (i) for every port of entry within the District;
 - (ii) in respect of any commercial or industrial jetty, groin, mooring, causeway or pipeline structure within the District; and
 - (iii) in respect of penalties levied under the Port Authorities Act (*Ch. 269*) where applicable.
- (b) collect the licences of deceased pilots in accordance with section 75 of the Port Authorities Act (*Ch. 269*);
- (c) act as warehouse keeper for every warehousing port within the District; and
- (e) perform functions under the Port Authorities Act (*Ch. 269*) as the Port Controller may, in writing, specify.

69. Family Island Administrator commissioner functions.

The Family Island Administrator of a District, shall have and exercise, in relation to the District, the functions assigned to Commissioners of Out Islands under any written law, immediately prior to the coming into operation of this Act.

70. Family Island Administrator Accounting officer functions.

The Family Island Administrator of a District, shall be deemed to be an accounting officer for the District and shall have and exercise, in relation to the District, the functions assigned to an accounting officer by the Treasurer.

71. Family Island Administrator Passport Office and Visa Office functions.

The Family Island Administrator of a District shall have and exercise, in relation to the District, the functions assigned to a Passport and Visa Officer under the Passports Act (*Ch. 192*) including —

- (a) acceptance of applications for passports in the prescribed form; and
- (b) the processing and distribution of passports to persons who apply in accordance with the Passport Rules.

72. Family Island Administrator Disaster Recovery functions.

- (1) The Family Island Administrator of a District shall act as Chairman of the Disaster Risk Management Consultative Committee pursuant to the Disaster Risk Management Act (*No. 39 of 2022*).
- (2) The Family Island Administrator of a District shall prepare, after consultation with the Disaster Risk Management Consultative Committee and on the advice of the Disaster Risk Management Authority (the Authority) —
 - (a) a Local Disaster Risk Management Plan; and
 - (b) a Local Disaster Emergency Plan,which shall contain the information prescribed under the Disaster Risk Management Act, 2022 (*No. 39 of 2022*).
- (3) The Family Island Administrator shall be responsible for implementing the Local Disaster Risk Management Plan and Local Disaster Emergency Plans in the event of a disaster.
- (4) The Family Island Administrator of a District shall —
 - (a) in coordination with the Authority install, operate, and maintain early warning systems in any District that he is responsible for;
 - (b) advise the Authority on the issuance of an early warning under the Disaster Risk Management Act, 2022 (*No. 39 of 2022*); and
 - (c) protect the early warning systems in any District that he is responsible for from theft and vandalism.
- (5) As soon as practicable after the occurrence of a disaster, the Family Island Administrator of a District shall, upon the advice and assistance of the Authority, conduct a needs assessment to determine the immediate

humanitarian needs of the population affected by the disaster in the District under his responsibility and report the information to the Authority.

73. Family Island Administrator environmental health functions.

The Family Island Administrator shall exercise functions under the Environmental Health Services Act (*Ch. 232*) as the Director of Environmental Health Services may specify in writing.

74. Family Island Administrator fisheries resources functions.

The Family Island Administrator shall exercise, functions under the Fisheries Resources (Jurisdiction and Conservation) Act (*Ch. 244*) as the Director of Marine Resources may specify in writing.

75. Family Island Administrator registrar functions.

- (1) The Registrar of Records may delegate in writing to a Family Island Administrator the power to —
 - (a) to certify and issue true copies of documents recorded in the registry of records upon payment of the prescribed fee; and
 - (b) exercise such other functions as the Registrar of Records may specify.
- (2) A certified copy of a document issued under subsection (1) shall, be admissible as evidence of the facts contained therein without further proof of such entry —
 - (a) in any court of justice; or
 - (b) before any person authorised by law, or by consent of the parties, to hear, receive and examine evidence.

76. Secretary of Council, committee and board.

- (1) The Secretary of a Council, town committee and board shall be the Family Island Administrator for the District or any other officer recommended by the Family Island Administrator for that District and approved in writing by the Director.
- (2) The Secretary shall be the executive, administrative and accounting officer of the Council, town committee and board.

77. Functions of Secretary.

The Secretary shall —

- (a) accept applications on behalf of the Council, town committee and board relating to the functions under Part V;

- (b) issue all notices, prepare the agenda in consultation with the Chief Councillor or Chairman, and attend all meetings and where the Chief Councillor or Chairman is absent the Deputy Chief Councillor or Deputy Chairman shall be responsible for carrying out these duties;
- (c) draw up the minutes of Council, town committee and board meetings;
- (d) submit a detailed annual administrative report to the Chief Councillor or Chairman;
- (e) communicate any decision of the Council, town committee and board in relation to an application which has been submitted for consideration;
- (f) advise the Council, town committee and board on—
 - (i) regulatory requirements for applications under paragraph (a);
 - (ii) financial regulations;
 - (iii) policy of the Department; and
 - (iv) functions conferred by the Act.

78. Appointment of Council and town committee employees.

The Minister after consultation with the Minister responsible for the Public Service shall appoint and employ, at such salary and on such terms and conditions, staff for the proper discharge of the functions of the Council or town committee.

79. Councils and town committees to be approved authorities.

Each Council and each town committee of a District shall be deemed to be an approved authority for the purposes of the Pensions Act (*Ch. 43*).

PART X – FINANCIAL PROVISIONS

80. Funds and resources of town committees.

The funds and resources of each town committee shall consist of—

- (a) moneys disbursed by the Council pursuant to its annual budget in relation to the town committee; and
- (b) such other sums as the Minister of Finance may by Order direct.

81. Rebate of fees and taxes in town area and Third Schedule Districts.

- (1) Notwithstanding the provisions of any written law, where fees or taxes, collected in a town area or *Third Schedule* District, are paid into the Consolidated Fund pursuant to the provisions of —
- (a) the Buildings Regulation Act (*Ch. 200*);
 - (b) the Firearms Act (*Ch. 213*);
 - (c) the Port Authorities Act (*Ch. 269*) relating to rates of pierage and wharfage payable in respect of the use or occupation of any public abutment, wharf or extended slip;
 - (d) the Boat Registration Act (*Ch. 277*);
 - (e) the Water Skiing and Motor Boat Control Act (*Ch. 278*);
 - (f) the Business Licence Act (*No. 13 of 2023*),
- a rebate not exceeding one hundred per centum of the monies so paid shall be allowed, and the rebate shall be paid out of the Consolidated Fund and applied to meet necessary expenditure in the town area or District, as the case may be.
- (2) A sum equal to the total amount of the fees or taxes paid into the Consolidated Fund pursuant to subsection (1) shall be placed in a separate account to be held reserved by the Minister of Finance and expended upon —
- (a) the rebate mentioned in subsection (1); and
 - (b) such other matters, relating to any town area or District, as the Minister of Finance may deem fit.

82. General Account.

- (1) All sums received by a town committee —
- (a) pursuant to section 16; and
 - (b) funds and donations from any person or registered non-profit organisations,
- shall be deposited into an account (the “Local Government District General Account”) for the discharge of town committee functions in relation to the management of public areas and the development and maintenance of public infrastructure in the District.
- (2) Each Council shall —
- (a) keep proper accounts and other records in relation to the Local Government District General Account; and
 - (b) cause to be prepared in respect of each financial year, a financial statement indicating all income and expenditure in relation to the relevant Local Government District General Account.

- (3) The financial statements prepared under subsection (2)(b) shall be submitted to the Minister within ninety days from the financial year end of the Council.

83. Funds and resources of Councils.

- (1) Subject to subsections (2), (3) and (4), the funds and resources of each Council shall consist of —
- (a) any moneys as from time to time are provided by Parliament;
 - (b) funds and donations from any person or registered non-profit organisations;
 - (c) such other sums as the Minister of Finance may by Order direct; and
 - (d) such sums contained in the Local Government District General Account pursuant to section 82(1).
- (2) Notwithstanding the provisions of any written law, where fees or taxes, collected in a District, are paid into the Consolidated Fund pursuant to the provisions of —
- (a) the Road Traffic Act (*Ch. 220*);
 - (b) the Civil Aviation Act (*No.1 of 2021*) relating to fees for the landing, parking and operation of aircraft at airports;
 - (c) the Hotels Act (*Ch. 288*) relating to the hotel licence fee and the hotel guest tax; or
 - (d) the Real Property Tax Act, (*Ch. 375*),
- (3) A rebate of the monies paid in subsection (2) shall be allowed in the following amounts —
- (a) in the case of monies paid under an Act mentioned in subsection (2) (b), a rebate not exceeding one hundred per centum of the monies so paid; and
 - (b) in the case of monies paid under an Act mentioned in subsection (2) (a), (c) or (d), a rebate not exceeding fifty per centum of the monies so paid,
- and the rebate shall be paid out of the Consolidated Fund and applied by Councils to meet capital expenditure and other necessary expenditure in the respective Districts.
- (4) In the application of any monies pursuant to subsection (3), the Council of a District shall act fairly and equitably, having regard to the various needs of the communities in the town areas of the District.
- (5) A sum equal to the total amount of the fees or taxes paid into the Consolidated Fund pursuant to subsection (2) shall be placed in a separate

account to be held reserved by the Minister of Finance and expended upon

- (a) the rebate mentioned in subsection (3); and
- (b) such other matters, relating to any District, as the Minister of Finance may deem fit.

84. Annual budget for *Second Schedule* Council.

- (1) Every town committee of a *Second Schedule* District shall submit to the Council, the estimates of the income and expenditure of the town committee for the following financial year during the month of January in any financial year.
- (2) The Council —
 - (a) shall consider the estimates submitted by the town committee under subsection (1);
 - (b) shall approve the estimates submitted under paragraph (a), subject to any revision under paragraph (d).
 - (c) shall provide the estimates of the income and expenditure for the Council;
 - (d) may revise the estimates under paragraphs (a) and (c) for the purpose of meeting the needs, and ensuring the development of the District; and
 - (e) shall produce a consolidated estimate of the income and expenditure of the Council,
no later than the fifteenth day of February in any financial year.
- (3) The estimates approved by the Council shall be sent to the Director by or before the last Friday in February of each financial year.
- (4) Upon receipt of estimates, the Director may meet with the Council.
- (5) The Director in consultation with the Minister may designate a Deputy Director or Assistant Director in writing to receive estimates under paragraph (3) and meet with the Council under paragraph (4).
- (6) Where each town committee submits its estimate in accordance with subsection (1) each town committee shall receive a budget allocation.

85. Annual budget for *Third Schedule* Council.

A *Third Schedule* Council shall submit the estimates of the income and expenditure of the Council for the following year to the Director by or before the last Friday in February of the financial year.

86. Local Government annual plans and budget reports.

The Council of every District and the Director of Local Government shall comply with sections 125 to 127 of the Public Finance Management Act, 2023 (*No. 4 of 2023*) with respect to the annual plans, budgets and reports.

87. Method of supply and withdrawal of funds.

- (1) Moneys provided for Councils pursuant to section 83(1)(a) and(c) shall be allocated to each Council and made available to the Council by the Minister of Finance.
- (2) Subject to the provisions of the Public Finance Management Act, 2023 (*No. 4 of 2023*), each Council shall open an account, called the “Local Government District Current Account”, in respect of moneys provided pursuant to section 83(1)(a) and (c), with any bank, and all deposits and withdrawals of such moneys shall be recorded in the account.
- (3) Withdrawal requests from the account Local Government District Current Account under subsection (2) and the Local Government District General Account under section 82 shall be authorized by the signature of the Family Island Administrator and the Chief Councillor of the District.
- (4) Where the Chief Councillor is unable to sign a withdrawal request, the Deputy Chief Councillor of the District shall sign the withdrawal request with the Family Island Administrator.
- (5) In Districts without banking facilities, a payment voucher shall be signed by the Family Island Administrator and the Chief Councillor, or where the Chief Councillor is unable to sign, by the Deputy Chief Councillor.

88. Surcharge by Financial Secretary.

- (1) The Financial Secretary may impose a surcharge against a public officer or any other person with responsibilities for public resources where the Financial Secretary is satisfied that the public officer or any other person with responsibilities for public resources —
 - (a) has made a commitment that exceeds the authorized authority to commit or spend;
 - (b) is or was responsible for any improper payment of public moneys or for any payment of public moneys which is not duly vouched or for any expenses in excess of the amount authorized;
 - (c) is or was responsible for any deficiency in or for the loss, damage or destruction of any public moneys, goods or other property of the Government; or
 - (d) has knowingly conducted business with a person without a Tax Compliance Certificate.

- (2) Prior to imposing a surcharge, the Financial Secretary shall notify the public officer or other person with responsibility for public resources of the particulars of the matters of concern, and shall require the public officer or other person with responsibility for public resources to provide an explanation within fourteen days.
- (3) If the public officer or other person with responsibility for public resources fails to provide an explanation satisfactory to the Financial Secretary within the time notified, the Financial Secretary may impose a surcharge against that public officer or other person with responsibility for public resources.
- (4) The nature of the surcharge imposed by the Financial Secretary may be the amount of —
 - (a) the improper payment paid;
 - (b) the monies not duly vouched;
 - (c) the expenditure in excess of the amount authorized;
 - (d) the deficiency in, the loss or damage of any public resources;
 - (e) the full value of the property destroyed;
 - (f) moneys determined by the Financial Secretary to cover a lesser amount than that in paragraphs (a) and (b) above.

89. Minister may order production of books of account.

Without prejudice to any other provision of this Act, the Minister may by notice in writing, require the Secretary to produce any books of account, records or other documents of a Council.

90. Appointment of local government auditors.

- (1) The Minister, after consultation with the Minister of Finance, may appoint persons (“local government auditors”) to audit the accounts of a Council.
- (2) The appointment of a local government auditor shall be for a period of one-year and may be renewed annually, for a total period of five consecutive years.
- (3) A person shall not be qualified for appointment as a local government auditor unless he is licensed, under The Bahamas Institute of Chartered Accountants Act, 2015 (*No. 13 of 2015*) with minimum experience of ten years, a strong knowledge of accounting principles and good computer literacy to engage in public practice, and is not —
 - (a) a member of the Council, town committee or board of the District whose books he is auditing; or
 - (b) in the employment of the Council or town committee of the District whose books he is auditing.

- (4) In the exercise of their duties, local government auditors shall have access to all books, records, returns and other documents relating to the accounts of Councils and may require any person holding or accountable for any books or documents to appear before them at the audit.
- (5) Local government auditors shall submit their reports to the Minister no later than twelve weeks from the end of each financial year.
- (6) The Minister shall send a copy of the local government audit report to the Minister of Finance and to the respective Council as soon as practicable.
- (7) The Minister of Finance shall cause a copy of each local government audit report to be laid before the House of Assembly within six months of the beginning of the following financial year.
- (8) For the avoidance of doubt, it is declared that nothing in this section shall be read or construed as derogating from or in any way limiting any of the functions exercisable by the Auditor-General pursuant to the provisions of the Constitution or any written law.
- (9) The Minister may cause a management audit to be conducted in respect of the accounts of any Council.

91. Regulations by Minister of Finance.

The Minister of Finance shall make regulations for the purpose of regulating the financial functions of the Council, including the keeping of records and reporting, but such regulations shall conform, as much as possible, to the Financial Regulations (*Ch.359*).

92. Appropriation of monies required to hold elections.

- (1) The Minister of Finance shall from time to time by warrant under his hand addressed to the responsible public officer, authorize and direct that all such monies as are reasonably required for meeting any lawful expense required to be incurred for the holding of elections of Councils and town committees be paid out of the Consolidated Fund.
- (2) A statement of the expenses so paid shall, as soon as practicable, be laid before the House of Assembly.
- (3) For the purposes of this section “responsible public officer” means the Permanent Secretary in the Ministry responsible for relations with the Parliamentary Commissioner.

PART XI – MISCELLANEOUS

93. Annual mandatory training.

- (1) The Minister shall cause to be carried out for each Family Island Administrator, Chief Councillor, and Chairman training on the functions, duties and powers conferred on them by this Act.
- (2) The training specified in subsection (1) shall —
 - (a) be held annually,
 - (b) be mandatory for each Family Island Administrator, Chief Councillor, and Chairman; and
 - (c) take place at a time and location as the Minister directs.
- (3) A Family Island Administrator, Chief Councillor, or Chairman may be excused from attendance at the mandatory training by providing a reasonable excuse in writing delivered to the Director.

94. *Ex officio* justices of the peace.

- (1) Subject to subsection (3) and notwithstanding the provisions of section 4 of the Magistrates Act, each Chairman, Chief Councillor, and Family Administrator shall be appointed a justice of the peace for the town area or District which he represents or for which he is responsible for the term of his appointment, and his name shall be entered on the commission or roll mentioned in that section.
- (2) A justice of the peace designated under subsection (1) shall be entitled to exercise within that town area or District, all the functions of a justice of the peace under the Act or any written law.
- (3) All fees taken by justices of the peace during the term of their appointment in the exercise of such functions shall be paid by them into the Consolidated Fund.

95. Appointment as justice of the peace post retirement.

- (1) Notwithstanding the expiry of his appointment, where a person has served as a Family Island Administrator —
 - (a) for a period of seven consecutive years; and
 - (b) upon the recommendation by the Minister,the Governor-General may, appoint by warrant under his hand and the Public Seal that person to be a justice of the peace.
- (2) Fees taken by justices of the peace in the exercise of their functions under this section shall not be required to be paid into the Consolidated Fund.

96. Power of Minister to make regulations.

Without prejudice to any power to make regulations conferred by this Act, the Minister may make regulations —

- (a) governing the conduct of the election of Councillors, or committee members;
- (b) prescribing any form, or any procedure for which no procedure is contained in this Act; and
- (c) generally for carrying the provisions of this Act into effect.

97. Repeal.

The Local Government Act (*Ch. 37*) is repealed.

98. Savings and transitional.

Any licence, authority, approval or exemption granted under the repealed Act in force immediately before the coming into force of this Act —

- (a) shall continue to have effect after the coming into force of this Act as if granted under this Act;
- (b) in the case of a grant for a specific period, shall remain in force for so much of that period as falls after the coming into force of this Act.

FIRST SCHEDULE

(Section 6(2))

LOCAL GOVERNMENT DISTRICTS

The District	Boundaries
Grand Cay	North Abaco Constituency Polling Division No. 1
North Abaco	North Abaco Constituency Polling Division Nos. 2, 3, 4, 5 & 6
Green Turtle Cay	North Abaco Constituency Polling Division No.7
Central Abaco	North Abaco Constituency Polling Division Nos. 8, 9, 10 & 11 Central & South Abaco Constituency Polling Division Nos. 4, 5, 6 & 7
South Abaco	Central & South Abaco Constituency Polling Division Nos. 8, 9, 10 & 11
Great Abaco Cays	Central & South Abaco Constituency Polling Division Nos. 1, 2 & 3
Moores Island	Central & South Abaco Constituency Polling Division No. 12
Acklins	MICAL Constituency Polling Division Nos. 4, 5, 6 & 7
Crooked Island and Long Cay	MICAL Constituency Polling Division Nos. 1, 2, 3 & 8

The District**Boundaries**

North Andros	North Andros & Berry Islands Constituency Polling Division 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12 & 13
Central Andros	Mangrove Cay & South Andros Constituency Polling Division Nos. 9A, 9B, 10, 11 & 12
South Andros	Mangrove Cay & South Andros Constituency Polling Division Nos. 1, 2, 3, 4, 5 & 6
Mangrove Cay	Mangrove Cay & South Andros Constituency Polling Division Nos. 7 & 8
Berry Islands	North Andros & Berry Islands Constituency Polling Division No. 8
Bimini	West Grand Bahama & Bimini Constituency Polling Division Nos. 8, 9, 10 & 11
Cat Island	Cat Island, Rum Cay & San Salvador Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7 & 8
Exuma Cays	The Exuma & Ragged Island Constituency Polling Division Nos. 1, 2 & 3
Exuma	The Exuma & Ragged Island Constituency Polling Division Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15
Harbour Island	North Eleuthera Constituency Polling Division Nos. 1, 2 & 3
Spanish Wells	North Eleuthera Constituency Polling Division Nos. 4, 5 & 6

The District	Boundaries
North Eleuthera	North Eleuthera Constituency Polling Division Nos. 7, 8, 9, 10 & 11
Central Eleuthera	North Eleuthera Constituency Polling Division Nos. 12, 13 & 14 Central & South Eleuthera Constituency Polling Division Nos. 9, 10, 11, 12 & 13
South Eleuthera	Central & South Eleuthera Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7 & 8
Sweeting's Cay	East Grand Bahama Constituency Polling Division No.1
East Grand Bahama	East Grand Bahama Constituency Polling Division Nos. 2A, 2B, 5, 6 & 9B
West Grand Bahama	West End Bahama & Bimini Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, & 15 Central Grand Bahama Constituency Polling Division Nos. 1A, 1B, 7B, 10A, 10B, 11B & 13B
City of Freeport	Central Grand Bahama Constituency Polling Division Nos. 2, 3, 4, 5, 6, 7A, 8, 9, 11A, 12, 13A & 14 East Grand Bahama Constituency Polling Division Nos. 3, 4, 7, 8, 9A, 10, 11, 12, 13, 14 & 15 Marco City Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,

The District	Boundaries
	11, 12, 13, 14 & 15 Pine Ridge Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13
Inagua	MICAL Constituency Polling Division Nos. 11 & 12
Long Island	Long Island Constituency Polling Division Nos. 1, 2, 3, 4, 5, 6, 7, 8 & 9
Mayaguana	MICAL Constituency Polling Division Nos. 9, 10A & 10B
Ragged Island	The Exumas and Ragged Island Constituency Polling Division No.16
Rum Cay	Cat Island, Rum Cay and San Salvador Constituency Polling Division No.9
San Salvador	Cat Island, Rum Cay and San Salvador Constituency Polling Division No.10 & 11

SECOND SCHEDULE

(sections 7, 8 22, 24 to 29, 34)

LOCAL GOVERNMENT DISTRICTS

North Abaco
Central Abaco
South Abaco
North Andros
Central Andros
South Andros
Cat Island

Central Eleuthera
South Eleuthera
Exuma
East Grand Bahama
West Grand Bahama
Long Island

THIRD SCHEDULE

(Sections 7, 16, 30 to 36, 77)

LOCAL GOVERNMENT DISTRICTS

Acklins
Berry Islands
Bimini
City of Freeport
Crooked Island and Long Cay
Exuma Cays
Grand Cay
Great Abaco Cays
Green Turtle Cay
Harbour Island
Inagua
Mangrove Cay
Mayaguana
Moores Island
North Eleuthera
Ragged Island
Rum Cay
San Salvador
Spanish Wells
Sweeting's Cay

FOURTH SCHEDULE

(sections 9, 17)

FORM OF OATH OF OFFICE

I do swear that I will faithfully execute the

office of without fear or favour, affection or ill-will, according to the best of my judgment and ability.

So help me God.

FIFTH SCHEDULE

(Section 42, Section 55)

REMUNERATION OF COUNCILLORS, TOWN COMMITTEE MEMBERS AND BOARD MEMBERS SECOND SCHEDULE DISTRICT

<u>Position</u>	<u>Total Stipend</u>
Town Committee member	\$125.00
Town Committee member/Councillor	\$250.00
Town Committee member/Councillor/Deputy Chief Councillor	\$450.00
Town Committee member/Councillor/ Chief Councillor	\$800.00
Town Committee member/Deputy Chairman	\$175.00
Town Committee member/Deputy Chairman/Councillor	\$300.00
Town Committee member/Deputy Chairman/Councillor/Deputy Chief Councillor	\$500.00
Town Committee member/Deputy Chairman/Councillor/Chief Councillor	\$850.00
Town Committee member/Chairman/Councillor	\$400.00
Town Committee member/Chairman/Councillor/Deputy Chief Councillor	\$600.00
Town Committee member/Chairman/Councillor/Chief Councillor	\$950.00

THIRD SCHEDULE DISTRICT

<u>Position</u>	<u>Total Stipend</u>
Councillor	\$125.00
Councillor/Deputy Chief	\$300.00

Councillor	
Councillor/ Chief Councillor	\$650.00

DISTRICT COUNCIL BOARDS

<u>Position</u>	<u>Total Stipend</u>
Board member	\$50.00
Board member/Deputy Chairman	\$75.00
Board member/Chairman	\$100.00

SIXTH SCHEDULE

(Section 52)

**PUBLIC OFFICERS NOT QUALIFIED TO STAND FOR
ELECTION**

1. Permanent Secretary, Under Secretary, Deputy Permanent Secretary, First Assistant Secretary.
2. Director, Deputy Director, Assistant Director and any other Head of any Government Ministry or Department not otherwise specified in this Schedule.
3. Any person holding a public office prescribed by the Judicial and Legal Service (Prescribed Officers) Act.
4. Auditor General, Senior Deputy Auditor General, Assistant Auditor General.
5. Treasurer, Deputy Treasurer, Assistant Treasurer.
6. Chief Passport Officer, Deputy Chief Passport Officer, Assistant Chief Passport Officer.
7. Chief Hospital Administrator, Hospital Administrator.
8. A Controller or Administrative Officer of the Road Traffic Department at or above the rank of Supervisor or Inspector.

9. An Administrative Officer of any school which is wholly maintained by the Minister responsible for Education including Senior Mistress, Senior Master, Principal, or Vice Principal.
10. A Controller, Deputy Controller, Assistant Controller, Administrative Officer or Customs Officer of Bahamas Customs.
11. An Immigration Officer or Administrative Officers of Bahamas Immigration.
12. An officer in The Bahamas Department of Corrections.
13. A local constable, or police reserve officer.
14. A district medical officer or Clinic Administrator.
15. A District Education Officer or District Superintendent of Education.
16. A staff member of the District Council or Administrator's Office.
17. A District Works officer inspector or engineer of the Ministry or Department of Public Works.
18. A Port Officer, Enforcement Officer or Port Inspector of the Port Department.
19. Any Comptroller, Deputy Comptroller or Assistant Comptroller of any Government Agency.

OBJECTS AND REASONS

Clause 1 of the Bill makes provision for the Short Title and commencement of the Act.

Clause 2 of the Bill makes provision for the interpretation of relevant Local Government terminology.

Clause 3 of the Bill makes provision for the continuation of the Department of Local Government.

Clause 4 of the Bill makes provision for the appointment of the Director of Local Government and the organizational structure of the Department.

Clause 5 of the Bill makes provision for the establishment of Local Government

Districts.

Clause 6 of the Bill makes provision for the establishment of Local Government District boundaries by Order of the Minister.

Clause 7 of the Bill makes provision for the Minister to amend, by Order, the First Second and Third Schedules.

Clause 8 of the Bill makes provision for the Minister to divide, by Order, Second Schedule Districts into town areas.

Clause 9 of the Bill makes provision for the election of Town Committees which shall be bodies corporate with specified function to serve specified Town Areas within Second Schedule Local Government Districts.

Clause 10 of the Bill makes provision for the need to have elected Town Committee Members subscribe to an Oath of Office before a Family Island Administrator within a prescribed time.

Clause 11 of the Bill makes provision for the election and or removal of a Town Committee Chairman and Deputy Chairman and stipulates the timeline that the Chairman and Deputy Chairman may serve in their respective capacities.

Clause 12 of the Bill makes provision for the detailed functions of a Town Committee Chairman.

Clause 13 of the Bill makes provision for the procedure to replace the Chairman or Deputy Chairman of a Town Committee.

Clause 14 makes provision for the specified functions of the Chairman of the Town Committees.

Clause 15 makes provision for the functions of the Town Committees

Clause 16 makes provision for Town Committees to levy fees or charges for the use, maintenance and upkeep of Public Areas which are to be prescribed by the Minister and accounted for in a General Account.

Clause 17 makes provision for any aggrieved person to appeal the decision of a Town Committee to the District Council within a prescribed time and for the District Council to vary or change such decision.

Clause 18 makes provision for the establishment of District Councils within every Local Government District which shall be bodies corporate with specified functions.

Clause 19 of the Bill makes provision for the need to have elected District Council Members subscribe to an Oath of Office before a Family Island Administrator

within a prescribed time.

Clause 20 of the Bill makes provision for the election of a Chief Councillor and Deputy Chief Councillor from among elected members within a prescribed time.

Clause 21 of the Bill makes provision for the tenure of office of the Chief Councillor and Deputy Chief Councillor.

Clause 22 of the Bill makes provision for the Deputy Chief councillor to perform the functions of the Chief Councillor when a vacancy of a Chief Councillor exists.

Clause 23 of the Bill makes provision for the detailed functions of a Chief Councillor.

Clause 24 of the Bill makes provision for a District Council of a Second Schedule District to appoint a Road Traffic Board.

Clause 25 of the Bill makes provision for the functions of the Road Traffic Board appointed by the District Council of a Second Schedule District.

Clause 26 of the Bill makes provision for a District Council of a Second Schedule District to appoint a Port Board with specified functions.

Clause 27 of the Bill makes provision for a District Council of a Second Schedule District to appoint a Town Planning Board with specified functions.

Clause 28 of the Bill makes provision for a District Council of a Second Schedule District to appoint a Hotel Board with specified functions.

Clause 29 of the Bill makes provision for the Buildings Control Officer functions of a District Council of a Second Schedule District.

Clause 30 of the Bill makes provision for the business license functions of a District Council of a Second Schedule District.

Clause 31 of the Bill makes provision for the general functions of a District Council of a Second Schedule District.

Clause 32 of the Bill makes provision for the Road Traffic functions of a District Council of a Third Schedule District.

Clause 33 of the Bill makes provision for the Port Department functions of a District Council of a Third Schedule District.

Clause 34 of the Bill makes provision for the Town Planning functions of a District Council of a Third Schedule District.

Clause 35 of the Bill makes provision for the Hotel Licensing functions of a

District Council of a Third Schedule District.

Clause 36 of the Bill makes provision for the Buildings Control Officer functions of a District Council of a Third Schedule District.

Clause 37 of the Bill makes provision for the business license functions of a District Council of a Third Schedule District.

Clause 38 of the Bill makes provision for the general functions of a District Council of a Third Schedule District.

Clause 39 of the Bill makes provision for the functions of the City of Freeport District Council.

Clause 40 of the Bill makes provision for the constitution, functions and expectations of Statutory Boards appointed by District Councils.

Clause 41 of the Bill makes provision for the right to appeal the decision of a District Council to the Minister and the appeal process.

Clause 42 of the Bill makes provision for the remuneration of Board Members.

Clause 43 of the Bill makes provision for a fixed date for Local Government Elections and the registration of voters and conduct of elections within Local Government Districts.

Clause 44 of the Bill makes provision for the process of nomination of a candidate and the declaration of assets and deposit with respect to the same.

Clause 45 of the Bill makes provision for the duties of the Parliamentary Commissioner in a Local Government Election.

Clause 46 of the Bill makes provision for the Minister to appoint a Council or town committee Member under specified circumstances.

Clause 47 of the Bill makes provision for the postponement of election of committee members if elections for Councillors or committee members are due to be held within six months before the holding of general elections or referenda.

Clause 48 of the Bill makes provision for the process of notification and or remediation of a vacancy in membership of a District Council or Town Committee.

Clause 49 of the Bill makes provision for the by-election of Council or Town Committee members.

Clause 50 of the Bill makes provision for the proceedings of a Town Committee or District Council where there is a vacancy in the membership of a Town Committee or District Council.

Clause 51 of the Bill makes provision for the qualification of persons eligible to be elected to serve as a member of a Town Committee or District Council.

Clause 52 of the Bill makes provision for persons being prevented from serving as a member of a Town Committee or District Council.

Clause 53 of the Bill makes provision for the interpretation of words or phrases relative to the registration of voters and elections within Local Government Districts.

Clause 54 of the Bill makes provision for the term of office of a Council or town committee member.

Clause 55 of the Bill makes provision for the remuneration of Town Committee and Council members.

Clause 56 of the Bill makes provision for the resignation of a Council or town committee member.

Clause 57 of the Bill makes provision for a limit on the number of meetings from which a Council or town committee member is absent.

Clause 58 of the Bill makes provision for the removal of all members of a Council or a Town Committee based on a report from a local government auditor or persistent breach of the provisions of this Act.

Clause 59 of the Bill makes provision for an election or the continuation of the functions of a Town Committee or District Council subsequent to the dissolution of a Town Committee or District Council.

Clause 60 of the Bill makes provision for procurement by a Town Committee or District Council.

Clause 61 of the Bill makes provision for Town Committees and District Councils to establish arrangements with public entities.

Clause 62 of the Bill makes provision for Town Committees and District Councils to establish arrangements for the supply of goods and services or to interchange staff.

Clause 63 of the Bill makes provision for Town Committee and District Council meetings.

Clause 64 makes provision for the public to attend Town Committee and District Council meetings.

Clause 65 of the Bill makes provision for Town Area meetings.

Clause 66 of the Bill makes provision to specify and address the conflicts of

interest of Town Committee and District Council members.

Clause 67 of the Bill makes provision for the appointment of Family Island Administrators.

Clause 68 of the Bill makes provision for the port authority functions of a Family Island Administrator.

Clause 69 of the Bill makes provision for the Commissioner functions of a Family Island Administrator.

Clause 70 of the Bill makes provision for the accounting officer functions of a Family Island Administrator.

Clause 71 of the Bill makes provision for the Passport and Visa Officer functions of a Family Island Administrator.

Clause 72 of the Bill makes provision for the Disaster Risk Management functions of a Family Island Administrator.

Clause 73 of the Bill makes provision for the environmental health functions of a Family Island Administrator.

Clause 74 of the Bill makes provision for the marine resource functions of a Family Island Administrator.

Clause 75 of the Bill makes provision for the Registrar functions of a Family Island Administrator.

Clause 76 of the Bill makes provision for the Family Island Administrator for the District or any other officer recommended by the Family Island Administrator for that District and approved in writing by the Director to be the Secretary of a Council, town committee and board.

Clause 77 of the Bill makes provision for the functions of the Secretary.

Clause 78 of the Bill makes provision for the appointment of Town Committee and District Council employees.

Clause 79 of the Bill makes provision for Town Committees and District Councils to be Approved Authorities.

Clause 80 of the Bill makes provision for funds and resources of town committees.

Clause 81 of the Bill makes provision for the rebate of fees and taxes in a town area and a Third Schedule District.

Clause 82 of the Bill makes provision for the establishment of a General

Account.

Clause 83 of the Bill makes provision for funds and resources of District Councils.

Clause 84 of the Bill makes provision for an annual budgetary process for Second Schedule District Councils.

Clause 85 of the Bill makes provision for an annual budgetary process for Third Schedule District Councils.

Clause 86 of the Bill makes provision for an annual plans and budget reports to comply with the Public Finance Management Act, 2023 (*No. 4 of 2023*).

Clause 87 of the Bill makes provision for a method of supply and withdrawal of funds provided to District Councils.

Clause 88 of the Bill makes provision for surcharge by the Financial Secretary.

Clause 89 of the Bill makes provision for the Minister to order the production of books of account.

Clause 90 of the Bill makes provision for the appointment of Local Government Auditors.

Clause 91 of the Bill makes provision for financial regulations to be made by the Minister of Finance for the purpose of regulating the financial functions of the Council.

Clause 92 of the Bill makes provision for the appropriation of the funds required to hold Local Government Elections.

Clause 93 of the Bill makes provision for annual mandatory training.

Clause 94 of the Bill makes provision for ex officio justices of the peace.

Clause 95 of the Bill makes provision for the appointment of Family Island Administrators to serve as justices of the peace post retirement.

Clause 96 of the Bill makes provision for the Minister to make regulations.

Clause 97 of the Bill makes provision to repeal the Local Government Act Chapter 37.

Clause 98 of the Bill makes provision for savings and transition from the Local Government Act (Ch. 37) to the Local Government Bill 2024.

The First Schedule lists the Districts and respective boundaries.

The Second Schedule lists those Districts designated to be Second Schedule Districts.

. The Third Schedule lists those Districts designated to be Third Schedule Districts.

The Fourth Schedule contains the Oath of Office to be subscribed to by every Town Committee and District Council member under Clauses 8 and 16.

The Fifth Schedule contains the remuneration details for Town Committee, District Council and Statutory Board Members further to clauses 42 and 55.

The Sixth Schedule lists those persons not qualified to stand for election further to Clause 52.