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SCHEDULE

I Assent

[L.S.]

NEVILLE CENAC,
Governor-General.

April 4, 2019.

SAINT LUCIA

No. 11 of 2019

AN ACT to provide for municipalities, the Castries Constituency Council and to establish the Castries City Police and for related matters.

[8th April, 2019]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same as follows:

PRELIMINARY**Short title**

1. This Act may be cited as the Castries Constituency Council Act, 2019.

Interpretation

2. In this Act —

“Castries City Police” means the Castries City Police established and appointed under section 22;

“Castries Constituency Council” means the Council established under section 4 of the Constituency Councils Act, Cap. 17.19;

“Chief Executive Officer” means the person appointed under section 18;

“Commissioner of Police” means the Commissioner of Police appointed under section 7 of the Police Act, Cap. 14.01;

“Corporation” means the Castries Corporation bearing the name “the Mayor and citizens of Castries” established under section 5 of the Castries Corporation Act, No. 22 of 1967 and the Council referred to under section 7 of that Act;

“Deputy Mayor” means the person appointed under section 5(4) of the Constituency Councils Act, Cap. 17.19;

“Mayor” means the person appointed under section 5(4) of the Constituency Councils Act, Cap. 17.19;

“member” means a member of the Castries Constituency Council appointed under section 5 of the Constituency Councils Act, Cap. 17.19;

“municipality” means a constituency declared to be a municipal city or municipal district under section 5;

“oath” includes affirmation;

“officer” means an officer appointed under section 19 and includes the Chief Executive Officer;

“police station” means the Castries City Police Station located within the municipality;

“Royal Saint Lucia Police Force” means the Royal Saint Lucia Police Force established under section 3 of the Police Act, Cap. 14.01;

“Secretary” means the Secretary under section 5(5) of the Constituency Councils Act, Cap. 17.19.

Binding of the Crown

3. This Act binds the Crown.

Application

4. Nothing in this Act applies so as to derogate from the operation of the Constituency Councils Act, Cap. 17.19 or another Act so far as the Act relates to the carrying out of a function or exercise of a power by the Castries Constituency Council.

PART I MUNICIPALITY AND INCORPORATION

Constitution of municipality

5.—(1) The constituency of Central Castries is declared to be a municipal city.

(2) The constituencies of Castries North, Castries East and Castries South are declared to be municipal districts.

(3) The Castries Constituency Council shall give one month’s notice of the intention of the Constituency Boundaries Commission to review the boundaries of the municipality by advertisement in the *Gazette* and in at least one newspaper of general circulation in the municipality.

(4) The Castries Constituency Council shall, as soon as convenient after the review of the municipality, cause an advertisement to be published in the *Gazette* and in at least one newspaper of general circulation in Saint Lucia describing the new municipality, if any.

(5) In this section, “Constituency Boundaries Commission” means the body referred to under section 57 of the Constitution of Saint Lucia, Cap. 1.01.

Incorporation

6.—(1) The Castries Constituency Council is a body corporate.

(2) The Corporation is dissolved.

(3) A reference in Rules, Regulations or Bye-Laws of the repealed Act or another Act or a public or private document, to the Corporation is deemed to refer to the Castries Constituency Council.

(4) A reference in Rules, Regulations or Bye-Laws of the repealed Act or another Act or a public or private document, to the Mayor is deemed to refer to the Mayor of the Castries Constituency Council.

(5) An act or a decision that is purported to be exercised by the Mayor under the repealed Act or the Castries Constituency Council under the Constituency Councils Act, Cap. 17.19 or by the Corporation before the commencement date of this Act are deemed valid.

(6) In this section, “repealed Act” means the Castries Corporation Act, No. 22 of 1967 repealed by the Constituency Councils Act, Cap. 17.19.

Functions of the Castries Constituency Council

7.—(1) Without prejudice to section 6 of the Constituency Councils Act, Cap. 17.19, the function of the Castries Constituency Council is to provide for the good governance of the municipality.

(2) Without limiting the generality of subsection (1), the functions of the Castries Constituency Council include —

- (a) to provide for the collection and expenditure for the benefit of the municipality of monies authorized by law to be raised for that purpose;
- (b) to provide for the improvement of the municipality;
- (c) to ensure cleanliness of streets and other public places, the width of streets and other places made or to be made,

and the regulation of the erection of houses, buildings and structures in the municipality;

- (d) to suppress or abate nuisances in the municipality;
- (e) to regulate and license the keeping of dogs and other animals in the municipality;
- (f) to establish and regulate markets, slaughter-houses, bath-houses and wash-houses in the municipality;
- (g) to license —
 - (i) pedlers, hawkers and hucksters in the municipality,
 - (ii) forms of public entertainment and amusement held in the municipality;
- (h) to collect fees, charges and dues in the municipality under this Act or another enactment; and
- (i) to enforce this Act or another enactment in the municipality.

Legal actions

8. The Castries Constituency Council may sue in its corporate name and be sued in its corporate name.

Contracts

9.—(1) The Castries Constituency Council may enter into contracts in its corporate name.

(2) A contract entered into by or on behalf of the Corporation has effect as if the Castries Constituency Council were the original party to it, and a reference in the contract to the Corporation is construed as a reference to the Castries Constituency Council.

Common seal

10.—(1) The Castries Constituency Council shall have a common seal.

(2) The Castries Constituency Council, after consultation with the Minister, may change the common seal under subsection (1).

(3) Subject to subsection (2), the common seal of the Corporation is deemed to be the common seal of the Castries Constituency Council.

Acquisition of moveable and immovable property

11.—(1) The Castries Constituency Council may acquire and hold moveable or immovable property inside or outside the municipality for the purpose of carrying out its functions or exercising a power under this Act or another enactment and to dispose of or charge such property.

(2) Property acquired and held by the Corporation is deemed to be transferred to the Castries Constituency Council.

Functions of the Mayor

12. The functions of the Mayor are —

- (a) to supervise and co-ordinate the affairs of the Castries Constituency Council;
- (b) to, through the Chief Executive Officer, control the activities of employees of the Castries Constituency Council;
- (c) to preside over ceremonial functions of the Castries Constituency Council;
- (d) to sign Bye-Laws and documents that require execution or authentication by or on behalf of the Castries Constituency Council; and
- (e) to perform other functions assigned in this Act or another enactment.

Function of the Deputy Mayor

13. The Deputy Mayor shall perform the functions of the Mayor if the office of Mayor is vacant or the Mayor is absent or mentally or physically incapacitated.

Mayor and Deputy Mayor to be justices of the peace

14. The Mayor and Deputy Mayor are deemed to be justices of the peace for the municipality.

Oath to be taken by member

15.—(1) A member of the Castries Constituency Council, shall at the first meeting of the Castries Constituency Council which he or she attends after having been appointed, take and subscribe to an oath.

(2) The oath under subsection (1) must be —

- (a) as set out in the Schedule;
- (b) presented to the member by the Chief Executive Officer;
and
- (c) attested to by the Mayor.

(3) If the person taking the oath is the outgoing Mayor, the oath shall be attested by a member present at the meeting, and if he or she is the newly appointed Mayor the oath shall be attested by the member presiding at the meeting after which he or she was appointed Mayor.

(4) For the purposes of this section, a member is considered to attend the first meeting of the Castries Constituency Council when the member attends a meeting of the Castries Constituency Council for the first time after the commencement of this Act.

Functions of the Secretary

16.—(1) The functions of the Secretary include —

- (a) to ensure that meetings of the Castries Constituency Council are effectively organized;
- (b) to liaise with the Mayor to plan meetings;
- (c) to circulate the agenda of the meetings to members;
- (d) to circulate approved minutes and decisions of the Castries Constituency Council;
- (e) to check that the quorum is present at a meeting;
- (f) to file correspondence received and sent by the Castries Constituency Council; and
- (g) to carry out other functions assigned by the Castries Constituency Council.

(2) In this section, “quorum” means the quorum under section 15 of the Constituency Councils Act, Cap. 17:19.

Meetings of the Castries Constituency Council

17.—(1) The Castries Constituency Council shall hold monthly meetings for the transaction of general business.

(2) A monthly meeting under subsection (1) must be held at a date and time the Castries Constituency Council determines.

(3) The Mayor may call a special meeting of the Castries Constituency Council —

(a) on his or her own motion; or

(b) after a requisition is presented to him or her and is signed by five members.

(4) If the Mayor after a requisition is presented under subsection (3)(b) —

(a) refuses to call the special meeting, a member may immediately on that refusal call the special meeting;

(b) does not within three days after the requisition call a special meeting, five members may on the third day from the date of notice of the requisition, call the special meeting.

(5) At least five working days before a meeting of the Castries Constituency Council, the Chief Executive Officer shall cause to be left at the usual place of business or abode of each member, a notice signed by him or her to attend the meeting, specifying the business proposed to be transacted.

(6) The validity of a meeting is not affected if a notice is not left at the usual place of business or abode of a member under subsection (5).

(7) Except by leave of the Castries Constituency Council, business transacted at a meeting must be the business specified in the notice.

PART II**OFFICERS OF THE CASTRIES CONSTITUENCY COUNCIL****Chief Executive Officer**

18.—(1) The Castries Constituency Council shall, with the approval of the Minister, appoint a person as the Chief Executive Officer on terms and conditions that the Castries Constituency Council determines.

(2) The Chief Executive Officer shall —

- (a) manage the day-to-day affairs of the Castries Constituency Council;
- (b) keep the charters, deeds, records and documents of the municipality as the Castries Constituency Council directs;
- (c) in books kept for that purpose, enter accurate accounts of money received by him or her on behalf of the Castries Constituency Council and of the matters for which that money is received and paid;
- (d) communicate to the Castries Constituency Council decisions, policies and priorities to officers;
- (e) attend meetings of the Castries Constituency Council unless directed otherwise by the Mayor but have no voting rights in the meeting;
- (f) cause minutes of meetings to be printed, bound and kept in an annual volume or otherwise as the Castries Constituency Council directs; and
- (g) perform the functions assigned to him or her under this Act.

(3) The books under subsection (2)(c) must be available for inspection by the Mayor and members.

(4) The Chief Executive Officer may, in writing, delegate his or her functions to an officer.

(5) The Castries Constituency Council may remove the Chief Executive Officer from office for inability to discharge the functions of his or her office whether arising from infirmity of body or mind.

Other officers

19.—(1) The Chief Executive Officer shall appoint, at the remuneration and on terms and conditions approved by the Castries Constituency Council other officers as the Castries Constituency Council considers necessary for the performance of the functions of the Castries Constituency Council.

(2) An officer appointed under subsection (1) shall perform the duties assigned to him or her under this Act and by the Chief Executive Officer.

Officers may be required to give security

20. The Castries Constituency Council may require an officer to give security as it thinks proper for the due execution of his or her office.

Accountability of officer

21.—(1) An officer shall, at times during the continuance of his or her office, or within one month after his or her ceasing to hold it, and in the manner that the Castries Constituency Council directs, deliver to the Castries Constituency Council —

- (a) an accurate account in writing of the matters committed to his or her charge;
- (b) receipts and payments with vouchers; and
- (c) a list of persons from whom money is due for the purposes of this Act in connection with his or her office, showing the amount due from each person.

(2) An officer shall pay money due from him or her to the Chief Executive Officer, or as the Castries Constituency Council directs.

(3) An officer shall not refuse or wilfully neglect —

(a) to deliver to the Castries Constituency Council —

- (i) an account, a list or a voucher,
- (ii) a book or document; or

(b) to make a payment on behalf of the Constituency Council,

after three days notice in writing signed by the Chief Executive Officer or by three members, given or left at the last known place of abode of the officer.

(4) An officer who contravenes —

- (a) subsection (3)(a) commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months;
- (b) subsection (3)(b) commits an offence and is liable on summary conviction to the sums of money to be paid by the officer or imprisonment for a term not exceeding three months.

(5) If it appears to a magistrate that an officer does not immediately, or within the time as the magistrate allows, pay over the money to the Castries Constituency Council, the magistrate shall cause the sum to be levied by distress and sale of the goods of the officer.

(6) If sufficient goods are not found to satisfy the monies and the charges of the distress under subsection (5), the magistrate shall commit the officer to a correctional facility for a period not exceeding three months.

PART III

CASTRIES CITY POLICE

Castries City Police

22.—(1) There is established for the municipality the Castries City Police for service in connection with the duties of the Castries Constituency Council.

(2) The Castries Constituency Council shall, in consultation with the Commissioner of Police, appoint for that purpose a sufficient number of Castries City Police.

(3) A person who immediately before the commencement of this Act held or was a Castries City Police, as from the commencement of this Act, continues to hold or act in the like office as a Castries City Police on the same terms and conditions enjoyed prior to the coming into force of this Act.

Arms and ammunitions

23.—(1) The Commissioner of Police may issue arms and ammunitions to the Castries City Police.

(2) A Castries City Police may carry and use the arms and ammunitions issued under subsection (1) for lawful purposes.

Oath by Commissioner of Police

24. A Castries City Police shall take and subscribe to an oath presented to him or her by the Commissioner of Police.

Badge

25. The Commissioner of Police may, on the advice of the Castries Constituency Council, permit persons appointed to be Castries City Police to wear the badges of the ranks and uniforms similar to those worn by members of the respective ranks in the Royal Saint Lucia Police Force.

Authority of Commissioner of Police

26. The Commissioner of Police may command a Castries City Police to perform and discharge within the municipality such duties as a police officer of the Royal Saint Lucia Police Force is required to perform and discharge.

General powers and immunities of Castries City Police

27.—(1) A Castries City Police, in addition to the special powers vested in him or her under this Act, has in respect of the whole of Saint Lucia the powers, privileges and immunities conferred on a constable by the Common Law, and the powers, privileges, immunities and liabilities conferred or imposed on a constable of corresponding rank by the Police Act, Cap. 14.01.

(2) An act done by or to a Castries City Police Officer in the execution of his or her duty has the same effect and the same liabilities and other consequences and is punishable in the same manner as if done by or to a police officer of the Royal Saint Lucia Police Force in the execution of his or her duty.

Arrest and detention

28.—(1) A Castries City Police may arrest without warrant a person —

- (a) whose name and address is unknown to him or her and who refuses to give his or her name and address to him or her; and
- (b) who is found by him or her committing within the municipality in which he or she serves, an offence against this Act or another enactment.

(2) Subject to subsection (3), a person arrested under subsection (1) may be taken to the police station and the Castries City Police who made the arrest shall sign a charge sheet that shows that the person arrested was liable to arrest under this Act.

(3) On receipt of a charge sheet under subsection (2), the Castries City Police on duty at the police station shall, detain the person at the police station until he or she can be without delay and in any case not later than seventy-two hours after the arrest and detention be taken before a magistrate to be dealt with according to law.

(4) A person arrested under this section may not be detained longer than is reasonably necessary for bringing him or her before a magistrate or in any case not later than seventy-two hours.

Power to grant bail

29.—(1) If a person who has been arrested without a warrant by a Castries City Police under section 28 is brought to a police station and a magistrate is not sitting, the Castries City Police on duty at the police station may, unless he or she has good and sufficient reason to do otherwise, which reason must be recorded in the Station Diary, admit the person to bail by recognisance without sureties for an amount not exceeding two thousand dollars to appear before a magistrate at a time and place specified in the recognisance.

(2) The Castries City Police on duty shall enter in a book kept for that purpose the name, residence, and occupation of the person entering into the recognisance and of his or her sureties, if any, with the condition of the recognisance and the sums acknowledged and the book must be laid before the magistrate present at the time when

and place where the the person who entered into the recognisance is required to appear.

(3) If the person who entered into the recognisance does not appear at the time and place required or within one hour afterwards, the magistrate may, by endorsement on the recognisance, declare the same to be forfeited and may issue a warrant for the imprisonment of the person who entered into the recognisance for a term not exceeding six months unless the amount stated in the recognisance is paid.

(4) Whether the person who entered into the recognisance does or does not appear, the magistrate may, if he or she thinks fit, enlarge the recognisance to a further time as he or she appoints.

(5) In this section “Station Diary” means a set of records of day-to-day events that take place in the police station.

Laying of information and complaints and conduct of proceedings

30.—(1) Information and complaints in respect of an offence committed within a municipality against this Act or Bye-laws made by the Castries Constituency Council under this Act or another enactment, may be laid and made by a Castries City Police in his or her own name.

(2) A Castries City Police may conduct the proceedings before the magistrate in a case in which he or she is the complainant under the powers conferred by this section.

Sale of stolen or abandoned property

31.—(1) If property is in the possession of the Castries Constituency Council or the Castries City Police —

- (a) in connection with a charge of an offence under this Act, an Act administered by the Castries Constituency Council and Bye-laws of the Castries Constituency Council;
- (b) by reason of having been found abandoned in a public place,

and the Castries Constituency Council or the Castries City Police is unable to ascertain its owner, the Castries Constituency Council may

cause it to be sold or otherwise disposed of under this section, and subject to subsection (3), may retain to its own use the proceeds of such sale or disposition.

(2) If the property under subsection (1) —

- (a) is perishable or its custody involves unreasonable expense or inconvenience, the Castries Constituency Council may sell or dispose of it without notice; and
- (b) is not a motor vehicle, the Castries Constituency Council may sell the property after the expiration of three months from the time it came into possession of the Castries Constituency Council or the Castries City Police.

(3) If the property under subsection (1) consists of money, the money may be retained if it has remained in the possession of the Castries Constituency Council for three months.

Policing beyond boundaries of municipality

32. The Castries Constituency Council may undertake and agree to guard a building or area beyond the boundaries of the municipality if the Castries Constituency Council has an interest in the building or area.

PART IV

FINANCE

Monies to be paid into approved financial institution

33.—(1) Monies of the Castries Constituency Council must be paid into an account in a financial institution approved by resolution of the Castries Constituency Council.

(2) The Chief Executive Officer shall each day, so far as practicable, pay into the financial institution under subsection (1) monies received by him or her before the closing hour of the financial institution except a sum he or she is authorised by resolution of the Castries Constituency Council to retain in his or her hand to meet immediate payments.

(3) The account under subsection (1) comprises of monies derived from —

- (a) the amount allocated annually for the use and operations of the Castries Constituency Council from the Consolidated Fund;
- (b) a fee, charge or dues collected under this Act or another enactment;
- (c) fines for breaches of the Bye-laws;
- (d) the sale, hire, or mortgage of property vested in the Castries Constituency Council;
- (e) forming and laying out, repairing, draining, cleaning and lighting of streets, footways, squares and other public places;
- (f) the maintenance and management of markets, slaughterhouses and cemeteries;
- (g) the maintenance, preservation and development of property belonging to the Castries Constituency Council;
- (h) solid waste management;
- (i) other sums which have been specifically voted by the Castries Constituency Council and the payment of which is approved by the Minister responsible for finance.

Signature on cheques

34. Cheques against the account required under section 33 to be kept shall be signed by the Chief Executive Officer and countersigned by the Mayor.

Orders for payment

35. The Chief Executive Officer shall pay money on account of the Castries Constituency Council on the order in writing of the Castries Constituency Council signed by two members.

Signature for receipts

36. Receipts for monies paid to the Castries Constituency Council may be signed for the Chief Executive Officer by the officer appointed by the Castries Constituency Council to receive monies.

Payments to be submitted to and approved by the Castries Constituency Council

37.—(1) Matters of a financial nature relating to the affairs of the Castries Constituency Council and vouchers for the payment of monies due by the Castries Constituency Council, except a sum to be fixed by resolution of the Castries Constituency Council, shall be submitted to the Castries Constituency Council.

(2) Subject to subsection (3), payments shall be made by the Chief Executive Officer and payments must be made, except a sum to be fixed by resolution of the Castries Constituency Council, on vouchers submitted to and approved by the Castries Constituency Council.

(3) In cases of urgency monies to be paid out on vouchers shall be signed by the Mayor and one other member, but the voucher shall be submitted to the Castries Constituency Council.

Borrowing

38.—(1) The Castries Constituency Council may, with the approval of the Minister responsible for finance, borrow money from the Government or a financial institution by way of loan, overdraft or otherwise on the terms with respect to the borrowing, issue, transfer and interest as the Minister responsible for finance approves for —

- (a) the provision of working capital; and
- (b) the performance of the functions of the Castries Constituency Council under this Act.

(2) The Castries Constituency Council may, with the approval of the Minister responsible for finance, raise additional working capital.

Guarantee

39.—(1) The Minister responsible for finance may, with the approval of Parliament, guarantee in the manner and on conditions he or she thinks fit, the payments of the principal money and interest of an authorized borrowing by the Castries Constituency Council.

(2) If the Minister responsible for finance is satisfied that there has been default in the payment of principal money or interest guaranteed under this section, he or she shall direct the repayment

out of the Consolidated Fund for the amount in respect of which there has been default.

PART V

MISCELLANEOUS

Protection from liability

40. An action or other proceedings shall not lie against a member, an officer or Castries City Police in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of his or her functions under this Act except in cases of personal injury.

Institution of proceedings

41. Proceedings instituted against an offender shall be taken in the name and at the instance of the Castries Constituency Council.

Bye-Laws

42.—(1) The Castries Constituency Council may, with the approval of the Minister responsible for local government, make Bye-Laws for the rule and good governance of the municipality and to give effect to this Act.

(2) Without limiting the generality of subsection (1), the Castries Constituency Council may make Bye-Laws —

- (a) for the circumstances in which a licence may or shall be granted, refused, revoked or suspended and the matters to which the Castries Constituency Council must have regard in deciding whether to grant or refuse a licence;
- (b) for the conditions which may be attached, to a licence and for securing compliance with a condition attached to the licence;
- (c) for the information to be furnished to the Castries Constituency Council by a person applying for a licence;
- (d) prescribing the fees to be paid in respect of the grant of a licence;
- (e) exempting a person from the provisions of the Bye-Laws;

- (f) prescribing forms;
- (g) for the recovery of monies due to the Castries Constituency Council under this Act or another enactment;
- (h) for the classification of officers in the Castries City Police, including qualifications, duties and remuneration and providing generally for the discipline, good order and governance of the Castries City Police;
- (i) prescribing a duty allowance to Castries City Police;
- (j) for the description and issue of arms, ammunitions, accoutrements, uniform and necessaries to be supplied to the Castries City Police;
- (k) for the title of an account with a financial institution into which the monies of the Castries Constituency Council must be paid under a resolution of the Castries Constituency Council;
- (l) for the custody of a pass book and paid cheques;
- (m) authorising the transfer from an account of a sum to a deposit account or the re-transfer of a sum from a deposit account to the current account;
- (n) for the good governance of its officers, including with respect to the granting of leave of absence to officers;
- (o) generally as to matters necessary for the proper keeping of an account; and
- (p) generally for the carrying out of its functions under this Act.

(3) Until Bye-Laws are made under subsection (1)(h), Regulations made under the Police Act, Cap. 14.01 insofar as the Castries Constituency Council considers applicable to a matter concerning the Castries City Police, apply *mutatis mutandis*.

(4) Bye-laws under this section —

- (a) must be styled “A Bye-Law Ordained by the Castries Constituency Council” ;
- (b) has the force of law within the limits of the municipality;

(c) may impose a penalty for the breach of the Bye-laws, and impose different penalties in the case of successive breaches but the penalty must be a fine not exceeding five thousand dollars.

(5) Bye-Laws made by the Corporation and in force at the commencement of this Act continue to be in force until revoked or altered by the Castries Constituency Council.

SCHEDULE

(Section 15)

OATH /AFFIRMATION

I having been appointed to the office of of the municipality, do hereby swear/declare and affirm that I will faithfully fulfil the duties of the office without fear or favour partiality or ill will, and to the best of my judgment and ability. (So help me God/I do affirm).

Passed in the House of Assembly this 26th day of March, 2019.

ANDY G. DANIEL,
Speaker of the House of Assembly

Passed in the Senate this 28th day of March, 2019.

JEANNINE GIRAUDY-MCINTYRE,
President of the Senate