

No. 239. THE MUNICIPAL CORPORATIONS LAW.  
CAP. 252 AND LAWS 11 OF 1950 AND 31 OF 1951.

BYE-LAWS MADE BY THE COUNCIL OF THE MUNICIPAL CORPORATION OF  
MORPHOU.

In exercise of the powers vested in them by the Municipal Corporations Law, and otherwise, the Council of the Municipal Corporation of Morphou hereby make the following bye-laws:—

Cap. 252.  
11 of 1950  
31 of 1951  
Gazettes:  
Suppl. No. 3:  
25. 9.1941  
16. 7.1942  
18. 3.1943  
28.11.1946  
2. 9.1948  
20. 1.1949  
2. 3.1950

1. These bye-laws may be cited as the Morphou Municipal (Amendment) Bye-laws, 1952, and shall be read as one with the Morphou Municipal Bye-laws, 1941 to 1950 (hereinafter referred to as "the principal Bye-laws") and the principal Bye-laws and these bye-laws may together be cited as the Morphou Municipal Bye-laws, 1941 to 1952.

2. Bye-law 39 of the principal Bye-laws is hereby repealed and the following bye-law substituted therefor:—

"39. There shall be paid for the erection or use of any booth in the fair markets, a fee from two to one hundred shillings, for the whole period of any of the said fairs, to be determined in each case by the Inspector, according to the size and position of each booth."

3. Bye-law 40 of the principal Bye-laws is hereby repealed and the following bye-law substituted therefor:—

"40. The following tolls shall be paid by every person exposing for sale within the municipal limits during the period of any of the said fairs, the following goods, articles, things or animals, that is to say:—

(a) For any goods, articles or things of any kind (including eatables and liquors) for the whole period of any of the said fairs, a toll from one piastre to forty shillings, according to the value or quantity of such goods, articles or things, to be determined in each case by the Inspector.

(b) For animals:—

- |  |      |
|--|------|
| (i) For every camel, horse, mule, ox or ass .. .. .      | 9p.  |
| (ii) For every goat or sheep .. .. .                     | 2p.  |
| (iii) For every kid or lamb under three months, or swine | 2p." |

4. Bye-law 43 of the principal Bye-laws is hereby repealed and the following bye-law substituted therefor:—

"43. The operation of Part II, Chapter I, of these bye-laws as regards camels, horses, mules, oxen, asses, kids, lambs, swine, or young swine shall be suspended during the periods of any of the fairs prescribed in this chapter."

5. Paragraph 1 (d) of bye-law 55 of the principal Bye-laws is hereby repealed and the following paragraph substituted therefor:—

"1.—(d) Sell or expose for sale bread only in loaves weighing one kilogram and one-half kilogram."

6. Bye-law 100 of the principal Bye-laws (as set out in the Morphou Municipal (Amendment) Bye-laws, 1946) is hereby repealed and the following bye-law substituted therefor:—

"100.—(1) The licensee shall pay in respect of articles, goods, or things he hawks about for sale or exposes for sale a fee in accordance with the scale set out hereinafter, for every day upon which he hawks, that is to say:—

- (a) Goods other than goods referred to in paragraphs (b) and (c) hereof:
- |   |     |
|---|-----|
| (i) When the value of such goods does not exceed two shillings .. .. .                              | 2p. |
| (ii) When the value of such goods exceeds two shillings but does not exceed five shillings .. .. .  | 3p. |
| (iii) When the value of such goods exceeds five shillings but does not exceed ten shillings .. .. . | 4p. |

- (iv) When the value of such goods exceeds ten shillings but does not exceed one pound .. .. . 5*p.*

If the value of such goods exceeds one pound, a fee of one piastre for each additional five shillings or fraction thereof shall be added to the aforementioned fee of five piastres.

- (b) Fancy bread or sweets of any kind :—

A fee not less than two piastres and not more than one shilling according to the value of such fancy bread or sweets to be determined in each case by the Inspector.

- (c) Fowl and chicken :—

- (i) For every live chicken or fowl .. .. . 1*p.*  
 (ii) For every live turkey .. .. . 3*p.*  
 (iii) For every chicken or fowl killed exposed for sale .. .. . 2*p.*  
 (iv) For every turkey killed exposed for sale .. .. . 4*p.*

- (2) Every such fee shall be paid to the Inspector."

7. Bye-law 133 (1) of the principal Bye-laws is hereby amended by the deletion therefrom of the figures "£0. 15*s.* 0*p.*" and the substitution therefor of the figures "£1. 5*s.* 0*p.*"

8. Paragraph (1) of bye-law 138A of the principal Bye-laws (as set out in the Morphou Municipal (Amendment) Bye-laws, 1946) is hereby repealed and the following paragraph substituted therefor :—

"(1) The Municipal bore-hole 'Philippou' situated at Morphou, 'Stephania' locality, will be used for irrigation purposes by persons residing within the municipal limits on payment of a fee of forty-five piastres for every hour of supply, or in proportion for a lesser period."

9. Bye-law 192 of the principal Bye-laws is hereby amended by the insertion immediately after paragraph (3) of this bye-law of the following paragraph :—

"(4) No person shall take, drive, ride, or lead on any street within the residential area of Morphou any vehicle the wheels of which are not protected by a rubber cover."

10. The principal Bye-laws are hereby amended by the insertion therein in the appropriate columns immediately after item "27. Lime", of the following item and particulars :—

<i>Item</i>	<i>Goods</i>	<i>Minimum weight okes</i>	<i>Fees.</i>
27A.	Limestone, whether in its natural state, or cut to pieces or ground ..	40 ..	5 <i>p.</i> per ton."

11. Bye-law 222 of the principal Bye-laws is hereby amended by the deletion therefrom of the words "at the rate of one-seven hundred and twentieth of his salary" (lines 3 and 4), and the substitution therefor of the words "at the rate of one-six hundredth of his salary."

12. Paragraph (a) of bye-law 234 of the principal Bye-laws is hereby repealed and the following paragraph substituted therefor :—

"(a) On or after attaining the age of sixty years, or, in case of voluntary retirement made with the approval of the Council, on or after attaining the age of fifty-five years ;"

13. Bye-laws 237 and 238 of the principal Bye-laws are hereby repealed and the following bye-laws substituted therefor :—

"237.—(1) Subject to the provisions of these bye-laws the Corporation shall charge and pay out of the Pensions and Gratuities Fund to officers appointed by the Corporation or regular servants or labourers employed by the Corporation who retire from service or employment or who have been removed from their office or discharged from their employment on any ground other than misconduct or inefficiency in the performance of their duties :

Provided that the Corporation may, by a resolution of the Council composed of not less than two-thirds of the members actually holding office, and if the Commissioner considers it just and equitable for the Corporation so to do, charge and pay out of the Pensions and Gratuities Fund to an officer or regular servant or labourer, to whom this bye-law applies, who has been removed from office or discharged from employment on grounds of misconduct or inefficiency in the performance of his duty, a gratuity not exceeding the amount of gratuity which might have been granted to such officer, servant or labourer if he had been removed or discharged on any ground other than misconduct or inefficiency.

(2) For the purposes of this bye-law—

(a) 'officer' means an officer who is appointed to a non-pensionable office, either during the pleasure of the Council (hereinafter called 'permanent officer') or for a fixed period of time (hereinafter called 'temporary officer');

(b) 'regular servant or labourer' means a servant or labourer employed under section 72 of the Law who has completed six months' continuous employment to the satisfaction of the Mayor and has been placed by him in the category of regular servant or labourer.

238.—(1) A gratuity to a permanent officer under bye-law 237 shall be at the rate of one-twelfth of the average yearly pay received by such officer during his last four years of service for each completed year of unbroken service immediately prior to his retirement or removal from office:

Provided that no such officer shall be entitled to receive any gratuity unless he shall have served for an unbroken period of at least five years immediately preceding his retirement or removal from office.

(2) A gratuity under bye-law 237 to a temporary officer or regular servant or labourer shall be at the rate of half a month's pay or two weeks pay, as the case may be, for each complete year of service or employment, after deducting all periods of discontinuance of service or employment as in paragraph 3 (b) and (c) (iii) of this bye-law provided, subject to a maximum of thirty years of service, and for this purpose such pay shall be calculated at the average rate drawn by such officer or servant or labourer during three years immediately preceding his retirement, removal from office or discharge from employment, or appointment to a pensionable office or as a permanent officer, and shall include any amount paid by way of basic war bonus but shall not include payment of additional bonus for married officers or regular servants or labourers, family allowance, overtime or other allowances.

(3) A gratuity under paragraph (2) of this bye-law shall be made under the following conditions:—

(a) No gratuity shall be payable except upon the final retirement or discharge of the temporary officer or regular servant or labourer from the service or employment of the Corporation;

(b) Except as provided in sub-paragraph (c) hereof no such officer or servant or labourer shall qualify for gratuity until after a minimum aggregate service or employment of ten years before or after the coming into operation of these bye-laws, which employment shall be unbroken, except by periods of discontinuance of service or unemployment arising on account of shortness of work, when such periods of discontinuance of service or unemployment shall be excluded from the total period of service or employment;

(c) Such officer or servant or labourer may qualify for gratuity after a minimum of three years unbroken service or employment, if he retires or is discharged from the service or employment of the Corporation in any of the following circumstances:—

(i) when by reason of age or disability, not arising from his own misconduct or neglect, his efficiency is in the opinion of

the Mayor impaired or affected, or he has been certified by the medical officer of health of the Corporation to be unfit for further service or employment on account of ill-health ;

- (ii) when he retires voluntarily after reaching the age of sixty ; or
- (iii) when he is removed from service or discharged from employment for shortness of work or for the purpose of facilitating improvement in the organization of the service of the Corporation or for the purpose of effecting economies :

Provided that for the purposes of this sub-paragraph the service or employment shall be considered as unbroken even if it is broken by periods of discontinuance of service or unemployment arising on account of shortness of work, but such periods of discontinuance of service or unemployment shall be excluded from the total period of service or employment.

(4) No further gratuity shall be paid to an officer or servant or labourer to whom a gratuity has already been paid under this bye-law in case of re-appointment or re-employment of such officer or servant or labourer in respect of the period for which a gratuity has already been paid."

14. The principal Bye-laws are hereby amended by the insertion therein immediately after bye-law 238 of the following bye-laws :—

" 238A. When a temporary officer or a regular servant or labourer to whom these bye-laws apply is transferred to a pensionable office or is appointed as a permanent officer of the Corporation, and whether or not he has completed ten years service or employment before such transfer or appointment, the gratuity for which he might be eligible except for such transfer or appointment shall be calculated upon the period of his actual service or employment, provided that the gratuity shall not be payable until after his final retirement from the service or employment of the Corporation and provided further that at the date of such retirement his aggregate period of service or employment is not less than ten years.

238B. Upon the death of any permanent or temporary officer or any regular servant or labourer to whom these bye-laws apply, the Council may at their discretion grant to the deceased's dependents a sum not exceeding the amount of the gratuity for which he would have been eligible if at the date of his death his efficiency had been impaired or affected or if he had been certified to be unfit for further employment on account of ill-health under bye-law 238 (3) (c) (i).

238C. No permanent or temporary officer or regular servant or labourer to whom these bye-laws apply shall have an absolute right to compensation for past work or to gratuity or other allowance nor shall anything in these bye-laws contained limit the right of the Council or the Mayor to dismiss, subject to the approval of the Commissioner, when such approval is required, any such officer, servant or labourer without compensation."

15. Bye-laws 222, 234, 237, 238A, 238B and 238C shall be deemed to have come into operation on the 1st day of January, 1950, and bye-laws 39, 40, 43, 133 and 138 shall be deemed to have come into operation on the 1st day of January, 1952.

The above bye-laws have been approved by His Excellency the Governor.  
(M.P. 1923/49.)