

ACTS SUPPLEMENT

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Act 13 *Local Governments (Amendment) Act* 2001**THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2001.**

ARRANGEMENT OF SECTIONS.

- on.
1. Short title.
 2. Amendment of section 2.
 3. Amendment of section 3.
 4. Amendment of section 5.
 5. Amendment of section 7.
 6. Amendment of section 11.
 7. Amendment of section 12.
 8. Amendment of section 15.
 9. Amendment of section 17.
 10. Amendment of section 19.
 11. Amendment to section 24.
 12. Amendment of section 25.
 13. Amendment of section 26.
 14. Amendment of section 28.
 15. Amendment of section 48.
 16. Amendment of section 51.
 17. Insertion of section 51A.
 18. Amendment of section 52.
 19. Amendment of section 55.
 20. Amendment of section 57.
 21. Amendment to section 58.
 2. Insertion of section 58A.
 23. Amendment of section 59.
 24. Amendment of section 60.
 25. Amendment of section 69.
 26. Amendment of section 70.

Act 13 *Local Governments (Amendment) Act*

Section.

27. Amendment of section 73.
28. Amendment of section 81.
29. Amendment of section 86.
30. Amendment of section 89.
31. Amendment of section 90.
32. Insertion of section 91A.
33. Amendment of section 92.
34. Amendment of section 93.
35. Replacement of section 95.
36. Amendment of section 98.
37. Insertion of section 101A.
38. Amendment of section 106.
39. Amendment of section 112.
40. Amendment of section 117.
41. Amendment of section 118.
42. Amendment of section 129.
43. Amendment of section 130.
44. Repeal of section 135.
45. Amendment of section 152.
46. Insertion of section 161A and 161B.
47. Amendment to section 162.
48. Amendment of section 163.
49. Amendment of section 164.
50. Amendment of section 170.
51. Insertion of section 171A.
52. Amendment of section 172.
53. Replacement of section 173.
54. Insertion of section 174A.
55. Amendment of section 183.

LIBRARY

**THE LOCAL GOVERNMENTS (AMENDMENT)
ACT, 2001.**

An Act to amend the Local Governments Act, 1997.

DATE OF ASSENT: 7th June, 2001.

Date of commencement: 15th June, 2001.

BE IT ENACTED by Parliament as follows—

1. This Act may be cited as the Local Governments (Amendment) Act, 2001 and shall be read and construed as one with the Local Governments Act, 1997 in this Act referred to as the “principal Act”.

Short title.

Act No. 1
of 1997.

2. Section 2 of the principal Act is amended by replacing paragraph (c) as follows—

Amendment
of section 2.

(c) to establish affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of addressing imbalances which exist against them;

3. Section 3 of the principal Act is amended—

Amendment
of section 3.

(a) by inserting the following definition in its appropriate alphabetical order—

“persons with disabilities” means persons having individual physical or mental impairment which in their individual capacities substantially limit one or more of the major life activities of those persons.

(b) by replacing the definitions of “Speaker” with the following definition—

“Speaker” means the Speaker elected under section 12 or section 24A and “Deputy Speaker” shall be construed accordingly”;

(c) by inserting the following definition in its appropriate alphabetical order—

“urban authority” includes a City Council, City Division Council, Municipal Council and Town Council;

Amendment
of section 5

4. Section 5 of the principal Act is amended—

(a) by replacing paragraph (b) with the following—

“(b) a City Division shall be equivalent to a Municipality”

(b) by adding a new paragraph (c) as follows—

“(c) a Municipal Division and a Town shall be equivalent to a sub-county.”

Amendment
of section 7.

5. Section 7 of the principal Act is replaced with the following new section—

“Local
Governments
to be bodies
corporate

7. (1) Every Local Government shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name and may, subject to the provisions of the Constitution, do enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

(2) Notwithstanding the provisions of subsection (1) of this section, no execution or attachment or process in such nature shall be issued out of any court for enforcing payment by a Local Government of any money or costs against its fixed assets and statutory transfers provided the execution or attachment may be made against any other property after six months from the date of judgement, order or decree.”

6. Section 11 of the principal Act is amended by making the existing provision subsection (1) and inserting the following new subsection—

Amendment
of section
11.

“(2) A member of Parliament may attend meetings of a Local Council in his or her constituency.”

7. Section 12 of the principal Act is amended—

Amendment
of section
12.

(a) in subsection (6) by inserting after paragraph (d), the following new paragraph—

“(e) failure without reasonable excuse to call two consecutive meetings of the Council.”

(b) by inserting immediately after subsection (6), the following new subsection—

“(6A) For purposes of removing the Speaker a notice in writing signed by at least one third of all the members of the Council shall be submitted to the Chairperson stating their grounds and that they intend to pass a resolution to remove the Speaker.

(6B) Where a notice is submitted to the Chairperson under subsection (6A) no person shall withdraw his or her signature from the notice.

(6C) A notice made under subsection (6A) shall be submitted to the Minister or his or her representative by the Clerk to Council and the Minister, or his or her representative shall, within thirty days of receipt of the notice, convene or cause the convening of a meeting for the removal and election of a Speaker”.

(c) by replacing subsection (8) with the following—

“(8) A Chief Magistrate shall preside at first election of the Speaker following general elections of District Local Councils”.

(d) by inserting the following new subsection after subsection (8) as follows—

“(8A) The Speaker shall preside at the election and removal of a Deputy Speaker”.

(e) by adding after subsection (10), the following new subsections—

“(11) A Speaker and Deputy Speaker shall be on full time service of the Council and shall resign a public office immediately upon election as such or upon the coming into force of this Act.

(12) A Speaker or Deputy Speaker shall be paid emoluments and allowances in accordance with the First Schedule to this Act, and shall not hold any office of profit or emolument likely to compromise his or her office.”

Amendment
of section
15.

8. Section 15 of the principal Act is amended—

(a) by inserting after subsection (1), the following new subsection—

“(1A) Notwithstanding the provisions of subsection (1), the seat of a District Chairperson shall fall vacant if—

- (a) the holder resigns in writing addressed to the Speaker;
- (b) the holder without reasonable cause or notification of the Speaker, fails to attend four consecutive meetings of the Council;
- (c) the holder is found guilty of the violation of the Leadership Code and punishment imposed includes the vacation of office;
- (d) the holder accepts appointment to a public office;
- (e) the holder is sentenced to death or to imprisonment exceeding six months without the option of a fine;
- (f) the holder has been convicted of an offence involving moral turpitude within the preceding six years; or
- (g) circumstances arise which disqualify the holder from occupying the office under any other law.”
- (b) by inserting after subsection (2), the following new subsection—
- “(2A) For the avoidance of doubt, where a petition has been submitted to the Speaker under subsection (2) of this section, no person shall withdraw his or her signature supporting the petition.”
- (c) in subsection (3) by replacing the expression “Chief Justice” with “Minister”;
- (d) by replacing subsection (4) with the following subsection—

“(4) The Minister shall, within fourteen days after receipt of the notice under subsection (3), constitute a Tribunal consisting a judge as head of the Tribunal and two other persons all of whom the Minister shall appoint in consultation with the Chief Justice to investigate the allegations.”

(e) by inserting after subsection (4), the following new subsection—

“(4A) A person shall not be eligible for appointment as a member of the Tribunal unless that person—

(a) is a person of high moral character and proven integrity; and

(b) possesses considerable experience and demonstrated competence and is of high calibre in the conduct of public affairs.”

(f) by replacing subsection (18) with the following—

“(18) The provisions of subsections (1) to (17) shall apply to the removal of the Chairperson of the lower Local Government Council except that—

(a) the notice under subsections (2) and (7) shall be submitted to the District Council Speaker who shall convene and preside over the Council meeting under subsection (1) within fourteen days after the receipt of the report of the Tribunal or Medical Board for the removal of the Chairperson;

(b) wherever “Chief Justice” appears shall be substituted by “Chief Magistrate;”

(c) under subsection (4), the Justice of the High Court shall be substituted by “Magistrate not below Grade 1”;

9. Section 17 of the principal Act is amended—

Amendment
of section
17.

(a) by adding after subsection (2), the following new subsection—

“(2A) Notwithstanding the provisions of subsection (2), the number of the members of the Executive Committee shall not exceed one-third of all the members of the Council.”

(b) by adding at the end of subsection (4) the following expression—

“and another for persons with disabilities and the elderly.”

10. Section 19 of the principal Act is amended by inserting after subsection (5) the following new subsections—

Amendment
of section
19.

“(5A) Where both the Chairperson and the Vice-Chairperson are unable to perform the functions of the office of Chairperson, the Speaker shall perform those functions until the Chairperson or the Vice-Chairperson assumes office or until a new Chairperson is elected.

(5B) Before performing the functions of the office of Chairperson under subsection (5A) the Speaker shall take and subscribe the oaths specified in the Eighth Schedule to this Act.

(5C) A person holding an office on the Executive Committee immediately before the Speaker assumes the functions of Chairperson shall continue to hold such office until the Chairperson, the Vice-Chairperson or a new Chairperson as the case may be assumes office.

(5D) A Speaker assuming the functions of the Chairperson under subsection (5A) shall not have powers to fill any vacancy on the Executive Committee.

(5E) During the period the Speaker is acting as Chairperson, the Deputy Speaker shall act as Speaker.”

Amendment
to section
24.

11. The principal Act is amended by inserting after subsection (5) of section 24 the following new subsection—

“(6) There shall be two elderly persons a male and a female above the age of fifty five years on every lower local government council who shall be nominated by the respective Executive Committees for approval by their respective councils.”

“Speaker and
Deputy
Speaker of a
lower local
Government
Council

24A (1) A sub-county, Municipal, Town, City Division and Municipal Division Council shall have a Speaker and Deputy Speaker elected by the Council from among members of the Council.

(2) The Speaker and Deputy Speaker shall be elected through a secret ballot.

(3) The Returning Officer shall convene and preside at a meeting for the election of Speaker under this section.

(4) At the election of Speaker and Deputy Speaker the person who gets a majority of votes of all the members of the Council shall be declared elected Speaker or Deputy Speaker respectively.

(5) If during the election of Speaker or Deputy Speaker only one name is nominated, that person shall be declared elected Speaker or Deputy Speaker respectively.

(6) The provisions of subsections (6), (6A), (7), (9) and (10) of section 12 shall apply to the lower Local Government Speaker and Deputy Speaker.

(7) The provisions of subsection (6C) of section 12 shall apply for the removal of a lower Local Government Speaker and Deputy Speaker except that the Minister or his or her representative shall be substituted by the Returning Officer.

(8) The Speaker and Deputy Speaker under this section shall be part time and shall only be paid allowances in accordance with the First Schedule.

12. Section 25 of the principal Act is amended—

Amendment
of section
25.

(a) by deleting the expression “Council and” appearing in subsection (1), paragraph (b);

(b) by inserting after paragraph (e), the following new paragraph—

“(f) report to the Council the state of affairs of the respective area of jurisdiction, at least once in six months.

(c) by adding after subsection (3), the following subsections—

“(4) Where both the Chairperson and the Vice-Chairperson are unable to perform the functions of the office Chairperson, the Speaker shall perform those functions until the Chairperson or the Vice-Chairperson assumes office or until a new Chairperson is elected.

(5) Before assuming office of Chairperson under subsection (4) the Speaker shall take and subscribe the oaths specified in the Eighth Schedule to this Act.

(6) A person holding an office on the Executive Committee immediately before the Speaker assumes the functions of Chairperson under subsection (4) shall continue to hold office until the Chairperson, Vice-Chairperson or a new Chairperson assumes office.

(7) A Speaker assuming the functions of the Chairperson under subsection (4) shall not have power to fill any vacancy on the Executive Committee.

(8) During the period the Speaker is acting as Chairperson, the Deputy Speaker shall act as "Speaker".

Amendment
of section
26.

13. Section 26 of the principal Act is amended by—

(a) inserting after subsection (2), the following new subsection—

"(2A) Notwithstanding the provisions of subsection (2), the members of the Executive Committee shall not exceed one-third of all the members of the Council."

(b) adding at the end of subsection (4) the following—

"and another for persons with disabilities and the elderly"

Amendment
of section
28.

14. Section 28 of the principal Act is amended by replacing subsection (4) with the following new subsection—

"(4) For the avoidance of doubt, a member of the Village, or Sub-county Council shall resign his or her office on the Village or Sub-county Executive Committee if elected a Chairperson or Vice-Chairperson of the Parish, Ward or County Council as the case may be."

Amendment
of section
48.

15. Section 48 of the principal Act is amended by adding after subsection (3), the following new subsections—

“(4) The Chairperson or a member of the Executive Committee may be removed from office by the relevant Council supported by two thirds of the members of the Council on any or all of the following grounds—

- (a) abuse of office;
- (b) corruption;
- (c) incompetence;
- (d) misconduct;
- (e) failure or refusal without justifiable reason to implement lawful Council decisions; and
- (f) in the case of a Chairperson, failure to call a Council meeting for more than three months without reasonable cause.

(5) For the purposes of removing a member from office under subsection (4), the notice in writing signed by not less than one third of all the members of the Council shall be submitted by the Village or Parish Council to the Clerk at the Sub-county with a copy to the Returning Officer—

- (a) stating that they intend to pass a resolution of the Council to remove the member from office on any or all of the grounds set out in that subsection; and
- (b) setting out the particulars of the charge supported by the necessary documents, where applicable, on which it is claimed that a member be removed from office.

(6) The notice referred to in subsection (5) shall be sent to the Returning Officer at least twenty-one days before the date of the meeting in which the resolution for the removal of the member from office is to be made.

(7) The Returning Officer shall, within fourteen days, acknowledge receipt of the notice and make arrangements for the meeting in which the Council intends to remove the member from office.

(8) The Returning Officer shall preside at the removal of a member of an Executive Committee of a Village, Parish or County Council.

(9) The member of the Executive Committee who is the subject of a resolution for removal shall be given an opportunity to defend himself or herself against the accusations before a vote is taken on the resolution by the Council.

(10) The Returning Officer shall, after ascertaining that the provisions of this section have been complied with, declare the office on the Executive Committee which the person removed was occupying to be vacant and make arrangements for election of another person to the office."

Amendment
of section
51.

16. Section 51 of the principal Act is amended by adding a new paragraph (c) as follows—

“(c) make a report to the respective Council on the state of affairs of the administrative unit, at least once in a year.”

Insertion of
section
51A.

17. The principal Act is amended by inserting after section 51, the following new section—

“Performance
of functions
in absence of
Chairperson

51A.(1) Where the Chairperson and the Vice-Chairperson of an administrative unit are unable to perform the functions of the Chairperson, the Assistant Returning Officer shall convene the administrative Council for the purposes of presiding over the elections of a person from the Council to perform the functions of the Chairperson.

(2) Before assuming office, a person elected under subsection (1) shall take and subscribe the oaths if any, specified for that office.

(3) A person holding an office on the Executive Committee immediately before a person assumes the functions of Chairperson under subsection (1) shall continue to hold office until the Chairperson, Vice-Chairperson or a new Chairperson assumes office.

(4) A person assuming the functions of the Chairperson under subsection (1) shall not have power to fill any vacancy on the Executive Committee."

18. Section 52 of the principal Act is amended by deleting the expression "other than *ex-officio* members, shall be paid allowances in accordance with the First Schedule but".

Amendment
of section
52.

19. Section 55 of the principal Act is amended by inserting after subsection (2), the following new subsection—

Amendment
of section
55.

"(2A) In appointing the members of the District Service Commission under subsection (2), the District Council shall ensure that at least one third is reserved for women and at least one member of the Commission shall be a person with disability."

20. Section 57 (1) of the principal Act is amended by adding after paragraph (c), the following paragraph—

Amendment
of section
57.

"(d) has a minimum qualification of Advanced Level Certificate or its equivalent plus a Diploma from a recognised institution."

21. Section 58 of the principal Act is amended by deleting the expression "in accordance with the First Schedule" appearing in the last line.

Amendment
to section
58.

22. The principal Act is amended by inserting, after section 58, the following new section—

Insertion of
section
58A.

"Salaries
allowances
and other
expenses of a
District
Service
Commission
to be charged
on the
Consolidated
Fund

58A. The salaries and allowances payable to the members of a District Service Commission and all other expenses of a District Service Commission shall be charged on the Consolidated Fund."

Amendment
of section
59.

23. Section 59(2) of the principal Act is amended by inserting a comma between the words "Public" and "Education" wherever they occur in it.

Amendment
of section
60.

24. Section 60 of the principal Act is amended by deleting subsection (3) of that section consequently any reference to it under any section is deleted.

Amendment
of section
69.

25. Section 69 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting the expression "any of" between the words "on" and "the";

(ii) recasting paragraph (d) as follows—

"(d) such physical or mental incapacity as would render the Chief Administrative Officer or Town Clerk incapable of performing the duties of Chief Administrative Officer or Town Clerk as the case may be";

(b) by replacing subsection (2) with the following—

"(2) Except for subsections (3), (4), (5), (6) and (18), section 15 shall apply to the removal of the Chief Administrative Officer or Town Clerk with such modifications as may be necessary and in particular—

- (a) before passing a resolution under subsection (1), the Council shall in writing, put its allegations to the Chief Administrative Officer or Town Clerk who shall have the right to defend himself or herself before the Council;
- (b) following the resolution of the Council, to remove the Chief Administrative Officer or Town Clerk, the Clerk to the Council shall forward the Council's decision together with the necessary supporting documents to the Chairperson of the District Service Commission who shall immediately interdict the Chief Administrative Officer or Town Clerk and require the Officer to submit his or her written defence to the District Service Commission within fourteen days of receipt of the letter of interdiction.
- (c) the District Service Commission shall conduct investigations into the allegations against the Chief Administrative Officer or Town Clerk and take further appropriate action;
- (d) the Chief Administrative Officer or Town Clerk shall, during investigations under paragraph (c), have a right to appear and defend himself or herself before the District Service Commission;
- (e) on receipt of the letter of interdiction, the Chief Administrative Officer; or Town Clerk shall handover to his or her deputy; or where there is no Deputy Chief Administrative Officer or Deputy Town Clerk, the Chairperson with the approval of the Executive Committee, shall recommend to the District Service Commission to appoint one of the heads of Department to act;

(f) where the Chief Administrative Officer or Town Clerk is dissatisfied with the decision of the District Service Commission he or she may appeal to the Public Service Commission.”

Amendment
of section
70.

26. Section 70(3) of the principal Act is amended in paragraph “f” by replacing “the Secretary” with “Clerk”.

Amendment
of section
73.

27. Section 73(1) of the principal Act is amended by recasting it as follows—

“(1) There shall be such number of Deputy or Assistant Resident District Commissioners in a District as the President may determine.”

Amendment
of section
81.

28. Section 81 of the principal Act is amended by adding after subsection (4), the following new subsection—

“(5) Notwithstanding anything contained in the provisions of this Act, the Minister may, by statutory instrument, and in consultation with the Minister responsible for finance, declare the scale or rate of Graduated Tax to be levied by Local Governments throughout the country.”

Amendment
of section
86.

29. Section 86 of the principal Act is amended—

(a) by inserting after subsection (1), the following new subsections—

“(1A) Where a Division fails to remit fifty percent of its revenue under subsection (1), the City or Municipal Council shall take appropriate measures to make full recovery of the revenue due to it, which may include but not limited to withholding any monies that may be due to the Division from the Central Government or any other source.

(1B) The City or Municipal Council may, with the concurrence of a Division in its area of jurisdiction, collect revenue on behalf of the Division.

(1C) Where the City fails to remit revenue referred to under subsection (1B), the Division Council shall retain revenue due to the City to make full recovery of the revenue due to it.

(1D) The Town Council's revenue shall be collected by the respective Town Council";

(b) by adding after subsection (6), the following new subsections—

“(7) Notwithstanding the provisions of subsection (6), disbursement of funds to any Council shall be upon accountability for previous release to that Council.

(8) A lower Local Government Council shall share equally with the respective higher Local Government the costs for printing of Graduated Tax tickets, licences, books of accounts and receipt books, provided the costs do not include salaries.”

30. Section 89 of the principal Act is amended—

Amendment
of section
89.

(a) by inserting after subsection (1), the following new subsection—

“(1A) At least one third of the members of the Local Government Public Accounts Committee shall be women;

(1B) A person shall not be appointed a member of the Local Government Public Accounts Committee unless that person—

(a) is of a high moral character and proven integrity;

(b) has a minimum qualification of Advanced Level Certificate or its equivalent.

(b) by adding the following expression at the end of subsection (9)—

“and report on actions taken or to be taken on the recommendations to persons listed in section 88, subsection (3)”.

(c) by inserting after subsection (9), the following new subsection—

“(9A) A Local Government Public Accounts Committee shall have powers to recommend to Police, arrest of suspects in respect of cases involving corruption or abuse of authority of public office.”;

(d) by replacing subsection (10) with the following—

“(10) The expenses of the Local Governments Public Accounts Committees are charged on the Consolidated Fund.”

Amendment
of section
90.

31. Section 90 the principal Act is amended in subsection (1) by inserting the word “or” at the end of paragraph (c) and replacing the semi-colon at the end of paragraph (d) with a full stop and deleting the word “or” at the end thereof.”

Insertion of
section
91A.

32. The principal Act is amended by inserting after section 91, the following new section—

“Account-
ability

91A (1) In accordance with section 65, the Chief Administrative Officer shall be the accounting officer in charge of a District and shall be accountable to the District Council for the funds in that District.

(3) At least one third of the members of the District Tender Board shall consist of women and at least one member of the Tender Board shall be a person with a disability.”

(b) by inserting after subsection (3), the following new subsection—

“(3A) There shall be a Secretary to the District Tender Board who shall be appointed by the District Service Commission and shall be at the rank Assistant Chief Administrative Officer or above.”;

(c) by inserting after subsection (4), the following new subsection—

“(4A) All expenses of a District Tender Board including salaries and emoluments of the members shall be charged on the Consolidated Fund.”

(d) by inserting after subsection (8), the following new subsection—

“(9) A Tender Board shall in its operations, be independent and shall not be subject to the direction or control of any person or authority.”

Amendment
of section
93.

34. Section 93 of the principal Act is amended in subsection (1) by inserting a new paragraph (c) as follows—

“(c) has a minimum qualification of advanced level certificate or its equivalent.

Replacement
of section
95.

35. Section 95 of the principal Act is replaced as follows—

“(1) Notwithstanding the provisions of subsection (1) of section 92, an urban authority may establish its own Tender Board.

(2) An Urban Authority Tender Board shall consist of five members including the Chairperson all of whom shall be appointed by the Council on the recommendation of the Executive Committee.

(3) At least two of the members of the Urban Authority Tender Board shall be women.

(4) The provisions of subsections (3) to (8) of section 92, section 93 and 94 shall apply to an Urban Authority Tender Board with such modifications as may be necessary except that the quorum shall be three members.

(5) An Urban Authority Tender Board established under subsection (1) of this section shall not commence operations until the next following financial year.

(6) An urban authority which establishes its own Tender Board under this section shall meet the expenses of the Tender Board.

36. Section 98 of the principal Act is amended—

Amendment of section 98.

(a) in subsection (1) by adding after paragraph (c), the following new paragraph—

“(d) establish minimum National Standards of service delivery in the sectors under its jurisdiction;” and

(b) in subsection (2) by adding after paragraph (b), the following new paragraph—

“(c) compile and disseminate National Standards as they apply to Local Governments.”

37. The principal Act is amended by inserting after section 101, the following new section—

Insertion of section 101A.

Financing of services during take-over period

101A. (1) During the period in which the President has taken over the administration of a District, the decentralized services in the area of jurisdiction of that Local Government Council shall be financed by direct appropriation from the national budget to a District vote held by the Chief Administrative Officer.

(2) The conditional grants shall during the period under subsection (1) be utilized under the supervision of the Permanent Secretary responsible for local governments.”

Amendment
of section
106.

38. Section 106 (1) of the principal Act is amended—

(a) by replacing paragraph (a) with the following paragraph—

“(a) shall appoint one presiding officer and such number of polling assistants as the Electoral Commission may determine;”
and

(b) in paragraph (c) by replacing “four“ with “at least three”.

Amendment
of section
112.

39. Section 112(3) of the principal Act is amended by replacing paragraph (g) with the following new paragraph—

“(g) attaches to his or her nomination paper a list of names of fifty registered voters from each of at least two thirds of the electoral areas and each voter shall have appended to that list his or her signature, physical address and voters registration number as specified in Form EC 1 of the Seventh Schedule.”

Amendment
of section
117.

40. Section 117 of the principal Act is amended by inserting after subsection (3), the following new subsection—

“(3A) For the avoidance of doubt, a public officer employed by a Local Government shall not be a councillor of that Local Government or another Local Government or lower Local Government.”

Amendment
of section
118.

41. Section 118 of the principal Act is amended—

(a) by replacing subsection (2) with the following new subsection—

“(2) The election of women Councillors shall be by universal adult suffrage through a secret ballot using one ballot box for candidates at each polling station”; and

(b) by deleting subsection (3) of that section.

42. Section 129 (1) of the principal Act is amended by replacing that subsection with the following new subsection—

Amendment of section 129.

“(1) Voting at every election for Local Government Councils shall be by secret ballot using one ballot box at each polling station for candidates contesting for the same post.”

43. Section 130 (5) of the principal Act is amended by adding after paragraph (b), the following new paragraph—

Amendment of section 130.

“(c) betrays the trust of the voter with a disability under this section.”

44. Section 135 of the principal Act is repealed.

Repeal of section 135.

45. Section 152 of the principal Act is amended—

Amendment of section 152.

(a) in subsection (1) by replacing—

“fifteen currency points” and “three years” with “twenty currency points” and “five years” respectively;

(b) in subsection (2) by replacing “three years” with “five years”.

46. The principal Act is amended by inserting after section 161, the following new sections—

Insertion of section 161A and 161B.

Elections of Village and Parish Chairperson to be by secret ballot

161A. The elections of the Village and Parish Chairpersons shall be by secret ballot.

Nomination and approval of Executive Committee Members

161B. Members of the Executive Committee at the Village and Parish level shall be nominated by the Chairpersons with the approval of their respective Councils”.

Amendment to section 162.

47. Section 162 is amended by replacing subsections (1) and (2), as follows—

“(1) The presiding officer shall call for nominations for the office of Chairperson at Village and Parish to be filled.

(2) The nomination of a candidate for elections of a Chairperson at the Village and Parish level shall be orally proposed by an eligible voter and seconded by another voter who is present and shall be submitted to the presiding officer at any time before the election commences.”

Amendment of section 163.

48. Section 163 of the principal Act is amended by deleting subsections (2) to (8).

Amendment of section 164.

49. Section 164 of the principal Act is amended by deleting subsections (3) and (4).

Amendment of section 170.

50. Section 170 of the principal Act is amended by replacing the expression beginning with the words “the date of” at the end of the third line up to the end of the section with the expression “from the date of the expiry of the term of of. of the outgoing Executive Committee”.

Insertion of section 171A.

51. The principal Act is amended by inserting immediately after section 171, the following new section—

“Local Council elections not to coincide with Presidential and Parliamentary elections

171A. Elections of all Local Government and Administrative Unit Councils shall take place at least sixty days before the expiry of the term of the existing Councils, but shall not coincide with Presidential or Parliamentary elections”.

52. Section 172 of the principal Act is amended—

Amendment
of section
172.

(a) by inserting the following new subsection after subsection (1)—

1A. Any Clerk to the Council who fails to report to the Electoral Commission within one month from the date the office fell vacant, commits an offence and shall be liable on conviction to a fine not exceeding five currency points or to a term of imprisonment not exceeding three months or both.

(b) by replacing in subsection (3) the expression “District Clerk” with “Clerk to the Council.”

53. Section 173 of the principal Act is replaced with the following—

Replace-
ment of
section 173.

“For any issue not provided for under this Part of the Act, the Presidential Elections Act and the Parliamentary Elections Act in force shall apply to the elections of Local Councils with such modifications as may be deemed necessary by the Electoral Commission”.

54. The principal Act is amended by inserting immediately section 174, the following new section—

Insertion of
section
174A.

Unexempted
persons to be
accountable

174A. A person who is not exempted from liability under section 174 and who directs or concurs in the use of public funds contrary to existing legal rules or instructions shall be accountable for any loss arising from that use and shall be required to make good the loss even if that person has ceased to hold office.”

55. Section 183 of the principal Act is amended by adding after subsection (2), the following new subsection—

Amendment
of section
183.

“(3) Where a person is elected to represent a Parish or is elected Chairperson or member of the Executive Committee of the Parish which is later divided to create another Parish, that person shall be allowed to continue serving or representing the Parish in which he or she resides and elections shall accordingly be held in the other Parish.”

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