THE LOCAL GOVERNMENT ACT, 2019

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GOVERNMENT OF ZAMBIA

ACT

No. 2 of 2019

Date of Assent: 11th April, 2019

An Act to provide for an integrated local government system; give effect to the decentralisation of functions, responsibilities and services at all levels of local government; ensure democratic participation in, and control of, decision making by the people at the local level; revise the functions of local authorities; provide for the review of tariffs, charges and fees within the area of a local authority; provide for the proceedings of the council and committees; provide for the role of traditional leadership in democratic governance; repeal and replace the Local Government Act, 1991; and provide for matters connected with, or incidental to, the foregoing

[11th April, 2019

ENACTED by the Parliament of Zambia Enactment

PART I
PRELIMINARY

1. This Act may be cited as the Local Government Act, 2019. Short title

2. In this Act, unless the context otherwise requires— Interpretation

" area " in relation to a council, means the district for which a council has been established under this Act;

" authorised officer" means a principal officer, a health inspector, police officer or any other officer for the time being discharging the functions of the chief executive officer of a local authority

" bank account " has the meaning assigned to the words in the Public Finance Management Act, 2018; Act No. 1 of 2018

" building " includes any structure, whether of a permanent or temporary nature, and a part of a building or structure;

Act No. 16 of 2011 — " business " has the meaning assigned to the word in the Registration of Business Names Act, 2011;

Cap. 1 — " chief " has the meaning assigned to the word in the Constitution;

" city " means a city proclaimed under section 4;

" city council " means a city council established under this Act;

"committee " means a committee of a council;

Cap. 1 — "council " has the meaning assigned to the word in the Constitution;

Cap. 1 — " councillor " has the meaning assigned to the word in the Constitution;

Cap. 1 — " court " means a court of competent jurisdiction; "district" has the meaning assigned to the word in the Constitution;

Cap. 1 — " Emoluments Commission " has the meaning assigned to the words in the Constitution;

" employee " in relation to a council, means a person employed by a local authority, other than an officer;

" establish " in relation to the functions of a council, includes acquire, build, construct, name, hire, equip and furnish;

Cap. 1 — " Equalisation Fund " means the Local Government Equalisation Fund established under the Constitution;

" extension officer " means a public officer operating within a ward;

Cap. 1 — " general election " has the meaning assigned to the words in the Constitution;

Cap. 184 — " land " has the meaning assigned to the word in the Lands Act;

" levy " means a levy imposed under this Act;

Act No. 3 of 2014 — " licence " has the meaning assigned to the word in the Business Regulatory Act, 2014;

Act No. 3 of 2014 — " licensing " has the meaning assigned to the word in the Business Regulatory Act, 2014;

Cap. 1 — " local authority " has the meaning assigned to the words in the Constitution;

" municipal council " means a municipal council established under this Act;

" municipality " means a district for which a municipal council is established under this Act;

" officer " in relation to a council, means a person employed in the permanent establishment of a council or on probation;

" permit " has the meaning assigned to the word in the Business Regulatory Act, 2014; Act No. 3 of 2014

" premises " includes passages, buildings, land and segment in every tenure;

" principal officer " means the chief executive officer of a council, including any person for the time being discharging the function of the chief executive officer;

" property " has the meaning assigned to the word in the Constitution; Cap. 1

" public office " has the meaning assigned to the words in the Constitution; Cap. 1

" public officer " has the meaning assigned to the words in the Constitution; Cap. 1

" public street " means—

(a) a street entered in a register of streets and roads compiled and maintained by a council; and

(b) a street which is taken over by a council and designated as a public street;

" repealed Act " means the Local Government Act, 1991; Cap. 281

" street " includes any bridge, road, avenue, lane, sanitary lane, footway or causeway and any pavement or footwalk forming part thereof;

" the public " in relation to meetings of a council or committee, includes representatives of the press;

" town council " means a town council established under this Act;

" transfer and vesting order " means a statutory order made under section 5;

" Ward " has the meaning assigned to the word in the Constitution; Cap. 1

" Ward Development Committee " means a Ward Development Committee established under section 36;

" Ward Development Executive Committee " means a Ward Development Executive Committee established under section 38;

"water-course" includes a canal and a canoe channel;

"water main" includes conduits, pipelines, valves, valve chambers, meters, meter houses, break pressure tanks, scour chambers, scour pipes, culverts, cuts, bridges, tunnels and all other things necessary in connection with any water main;

"waterworks" includes streams, springs, weirs, boreholes, dams, pumping stations, reservoirs, tanks, sluices, machinery, buildings, lands and all other works and things necessary for taking, impounding, discharging, storing, treating and filtering water; and

"zone" has the meaning assigned to the words "polling district" under the Electoral Process Act, 2016.

Act No. 35 of 2016

PART II

ESTABLISHMENT AND CONSTITUTION OF COUNCILS

Establishment of councils

3. (1) The Minister may, by statutory order, establish for any district, a city council, municipal council or town council and the name of the council shall include the name of the district.

(2) Subject to subsection (1), the Minister shall, on the recommendation of the appropriate city council, municipal council or town council, establish a management board.

(3) The Minister, may by statutory order, confer on a town council established under subsection (1), the status of a municipal council and shall determine the name of that municipal council.

(4) On and after the date on which a statutory order under this section has effect, a reference in any written law, contract or other instrument or document to the name of the town council to which the order relates shall be construed as a reference to the name of the municipal council as determined by the order.

Cities

4. (1) The President, may by proclamation confer on a municipal council established under section 3 the status of a city and city council and shall determine the name by which that city and city council shall be known.

(2) On and after the date on which a proclamation under this section comes into operation, a reference in any written law, contract or other instrument or document to the name of the municipality or municipal council to which the proclamation relates shall be construed as a reference to the name of the city or city council, as determined by the proclamation.

Changes affecting districts

5. (1) The Minister may, by statutory order, in this Act referred to as a transfer and vesting order, make provisions set out in the Second Schedule for changes that are necessary or appropriate as regards the constitution, property, rights, obligation and staff of, and any other matter relating to, any council affected by a change in its area, any new council or any council established for a district which ceases to exist, where as a consequence of a statutory order made by the President under the Provincial and District Boundaries Act— Cap. 286

(a) a new district is established;

(b) the area of a district is altered; or

(c) a district ceases to exist.

(2) Where a district ceases to exist, a transfer and vesting order made in respect of the council established for that district shall include provision for the dis establishment of the council.

(3) Where the name of a district is changed, the name of the council established for that district shall be changed to conform to that of the district.

Incorporation of local authority

6. A local authority is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with power, subject to the provisions of this Act and of any other written law, to do all other acts and things that a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its functions and powers set out in this Act.

Corporate name of council

7. (1) Subject to section 3(1) and (2), the corporate name of a council is the name assigned to that council in the statutory order establishing the council.

(2) Subject to subsection (1), the Minister may, by statutory order, and after consultation with a council, alter the corporate name of that council.

Seal

8. (1) The seal of the council is a device that may be determined by the council and kept by the principal officer.

(2) Subject to section 14, the affixing of the seal shall be authenticated by the mayor or deputy mayor or council chairperson or deputy council chairperson and the principal officer or any other person authorised in that behalf by a resolution of the council.

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under the seal, may be entered into or executed without seal on behalf of the council by the principal officer or any other person generally or specifically authorised in that behalf by the council.

(4) A document purporting to be under the seal of the council or issued on behalf of the council shall be received in evidence and shall be considered to be so executed, as the case may be, without further proof, unless the contrary is proved.

Functions of mayor or council chairperson

9. (1) A mayor or council chairperson is head of a council.

(2) The functions of a mayor or council chairperson are to—

(a) oversee the implementation of the council decisions or resolutions;

(b) preside over council meetings;

(c) attend to civic and ceremonial functions; and

(d) promote public engagement and participation in local governance.

Election of deputy mayor or deputy council chairperson and vacancy

10. A deputy mayor or deputy council chairperson shall be elected—

(a) When a council first sits after—

(i) a general election; or

(ii) the council is established; and

(b) subject to this Act, at the first ordinary meeting of the council held immediately after—

(i) the expiry of the term of two and a half years from the date of the last general election; or

(ii) a vacancy occurs in the office of the deputy mayor or deputy council chairperson.

(2) The office of deputy mayor or deputy council chairperson becomes vacant if the—

(a) deputy mayor or deputy council chairperson resigns by giving notice in writing to the mayor or council chairperson;

(b) deputy mayor or deputy council chairperson ceases to be a councillor as provided in the Constitution; or Cap. 1

(c) ward, in respect of which the deputy mayor or deputy council chairperson is councillor, becomes part of another council.

(3) A deputy mayor or deputy council chairperson who resigns from office is not eligible for re-election as deputy mayor or deputy council chairperson for the reamainder of the term of that council.

(4) where a vacancy occurs in the office of deputy mayor or deputy council chairperson, an election shall be held in accordance with subsection (1) *(b)* (ii).

Tenure of office of deputy mayor or deputy council chairperson

11. (1) Subject to the other provisions of this section, a deputy mayor or deputy council chairperson shall hold office for a term of two and a half years and may be re-elected for one further term of two and a half years.

(2) A deputy mayor or deputy council chairperson elected in accordance with section 10 (4) shall serve for the unexpired term of that office and is deemed—

(a) to have served a full term as deputy mayor or deputy council chairperson if, at the date on which the deputy mayor or deputy council chairperson assumed office, at least one and a half years remain before the date of the next elections for deputy mayors and deputy council chairpersons; or

(b) not to have served a full term as deputy mayor or deputy council chairperson if, at the date on which the deputy mayor or deputy council chairperson assumed office, less than one and a half years remain before the date of the next elections for deputy mayors and deputy council chairpersons.

(3) A deputy mayor or deputy chairperson elected in accordance with section 10 (1) *(a)* (ii) is deemed—

(a) to have served a full term as deputy mayor or deputy council chairperson if, at the date on which the deputy mayor or deputy council chairperson assumed office, at least one and a half years remain before the date of the next elections for deputy mayors and deputy council chairpersons; or

(b) not to have served a full term as deputy mayor or deputy council chairperson if, at the date on which the deputy mayor or deputy council chairperson assumed office, less than one and a half years remain before the date of the next elections for deputy mayors and deputy council chairpersons.

Oaths

12. A councillor shall, before assuming office take and subscribe an oath before a Magistrate on the form set out in the Official Oaths Act.

Discharge of functions of mayor or council chairperson during vacancy or absence

13. The functions of the office of the mayor or council chairperson of a council shall, whenever the office of the mayor or council chairperson of a council is vacant or the mayor or council chairperson is absent or is for any other cause prevented from, or incapable of, carrying out the functions of office, be carried out—

(a) by the deputy mayor or deputy council chairperson of the council; or

(b) in the absence of the deputy mayor or deputy council chairperson, by a councillor elected by the council.

Validity of discharge of functions

14. The validity of any functions carried out by a person purporting to hold or discharge the functions of the office of mayor, deputy mayor, council chairperson or deputy council chairperson of a council shall not be affected by any defect in appointment by reason that the person was not qualified to do so.

Meetings and proceedings of council

15. The Third Schedule applies to meetings and proceedings of a council.

PART III
FUNCTIONS

Functions of local authority

16. (1) A local authority shall discharge functions conferred on it by this Act within the area of that local authority, and may, with the approval of the Minister discharge that function outside the area of that local authority.

Cap. 1

(2) Without prejudice to the Constitution, the functions of a local authority within an area are as set out in the First Schedule.

General provision with respect to discharge of functions

17. (1) Whenever by this Act a power is conferred on a local authority to establish and maintain an undertaking, service or facility, the local authority may—

(a) control the undertaking, service or facility and regulate its use by the public or any class of the public;

(b) join with the Government, another local authority or, with the approval of the Minister, any other person or authority in establishing and maintaining the undertaking, service or facility; or

(c) abolish or discontinue the undertaking, service or facility.

(2) A local authority shall discharge a function conferred on it by this Act, subject to any other written law relating to the discharge of that function by the local authority.

Power of Minister to confer additional functions on local authority Cap. 1

18. Subject to the Constitution, the Minister may, by statutory order, confer on a local authority power not otherwise conferred on the local authority by this Act or any other written law, which the Minister considers necessary in the interests or for the well being of the inhabitants in, or for the good rule and governance of, the area of that local authority.

Contracts

19. (1) A local authority may enter into contracts necessary for the discharge of any of the local authority's functions.

(2) A contract made by a local authority shall be made in accordance with the standing orders of the local authority, this Act or any other written law and, in the case of contracts for the execution of works or the supply of goods or materials, the standing orders shall—

(a) require that, except as otherwise provided by or under the standing orders, a notice of the intention of the local authority to enter into the contract shall be published and tenders invited; and

(b) regulate the manner in which that notice shall be published and tenders invited.

(3) A person who enters into a contract with a local authority is not bound to inquire whether the standing orders of the local authority which apply to the contract have been complied with, and the contract entered into by a local authority, if otherwise valid, has effect despite the standing orders applicable to that contract not having been complied with.

Standing orders

20. (1) Subject to the provisions of this Act, a local authority may, with the approval of the Minister, make standing orders for regulating the—

(a) proceedings and business for preserving order, at meetings of the council, a committee or a sub committee; and

(b) entering into contracts by the local authority.

(2) A contract entered into by a local authority shall be in conformity with the Public Procurement Act, 2008, and any other written law.

Act No. 12 of 2008

(3) The standing orders under this section may provide for the exclusion of a councillor or member of a committee or sub committee from a meeting of the council, committee or sub committee—

(a) if it is necessary for preserving order at the meeting; or

(b) whilst any contract, proposed contract or other matter in which the councillor or member has a direct or indirect pecuniary interest is under consideration.

Acquisition of land

21. (1) A local authority may acquire land by agreement whether by way of purchase, lease, exchange or gift.

(2) Where the acquisition by a local authority of land under the powers conferred under subsection (1) is being hindered by reason of the inability of the parties to agree on the terms of the acquisition or any other cause, the President may, on an application by the local authority and on being satisfied that the land is land to which the Lands Acquisition Act applies and that its acquisition by the local authority is necessary or expedient acquire land—

Cap. 189

(a) in the interest of public safety, public order, public morality, public health or urban and regional planning; or

(b) in order to secure the development or utilisation of that or other land for a purpose beneficial to the inhabitants of the area of the local authority.

(3) All expenses and compensation incurred as a result of the acquisition shall be paid by the local authority into the Consolidated Fund and, on payment being made, the estate of any land so acquired by the President shall be transferred to the local authority.

Acceptance of gifts of property Act No. 3 of 2012

22. (1) Subject to the Anti-Corruption Act, 2012, a local authority may accept, hold and administer any gift of property for any local public purpose, or for the benefit of the inhabitants of the area or any part of the area of the local authority, and may execute any works, including works of maintenance or improvement, incidental to the exercise of the powers conferred by this section.

(2) Where the purposes of the gift are purposes for which the local authority is empowered to expend money raised from a rate, the local authority may, subject to any condition or restriction attaching to the exercise of that power defray expenditure incurred in the exercise of the powers conferred by subsection (1) out of monies so raised.

Disposal of property

23. (1) Subject to subsection (3), a local authority may sell, let or otherwise dispose of any property belonging to the local authority.

(2) Where the local authority intends to sell property belonging to the local authority, the local authority shall, before the sale, cause a valuation of the land or building to be carried out by the Department responsible for valuation or by a Valuation Surveyor approved by the Minister.

(3) A local authority shall not sell or let for a period of fourteen years or more, or otherwise dispose of, any property belonging to the local authority, except with the prior approval of the Minister.

Grants and loans by local authority

24. (1) A local authority may, with the approval of the Minister, make grants or loans of money—

(a) towards the establishment or maintenance of the institutions, not being of a private character, namely—

(i) hospitals, libraries, art galleries, museums, parks, recreation facilities and musical or scientific institutions;

(ii) higher education institutions and schools;

(iii) institutions providing accommodation for the aged, destitute, infirm, or for orphans; or

(iv) other institutions that the local authority may determine;

(b) to persons for educational purposes; or

(c) to officers or employees of the local authority for a purpose that the Minister may determine.

(2) A local authority may, with the approval of the Minister, make a grant of money to any association of local authorities formed for the purposes of consultations as to the common interest of those local authorities.

Cap. 1

(3) Subject to the Constitution, a local authority may, with the approval of the Minister, provide loans or monies—

(a) to another local authority; or

(b) to a person or authority for the construction, purchase and maintenance of buildings for use as dwellings or clubs and, where it is in the public interest, for business or professional purposes.

Imposition of levies Cap. 1 Act No. 3 of 2014

25. (1) Subject to the Constitution and the Business Regulatory Act, 2014, a local authority may make by-laws to impose a levy on—

(a) leviable persons owning or occupying property or premises situated within the area of the local authority;

(b) leviable persons carrying on a business, trade or occupation within the area of the local authority; or

(c) the purchase or sale of a commodity within the area of the local authority.

(2) By-laws imposing a levy may make—

(a) different provision with respect to different classes of property or premises, different classes of businesses, trade or occupations and different classes of commodities; and

(b) provide for—

(i) the manner and times at which and the persons by whom a levy is payable and collected;

(ii) exemptions from a levy; or

(iii) suspension of a levy, in whole or in part.

(3) The proceeds of a levy accrue to the local authority.

(4) The amount of any levy which is not paid is recoverable by the local authority as a civil debt.

(5) In this section, "leviable person" means—

(a) a person who is eighteen years or above; and

(b) a body of persons, corporate or unincorporate.

Procedures and criteria for licensing

Act No. 3 of 2014

26. A proposed by law or council resolution introducing a licence permit or certificate under this Act, shall be subject to the licensing procedure and criteria under the Business Regulatory Act, 2014.

Imposition of other fees and charges Act No. 3 of 2014

27. (1) Subject to the Business Regulatory Act, 2014, a local authority may impose fees or charges payable to the local authority—

(a) for a licence or permit issued under any regulation or by-law made under this Act;

(b) for a service or facility provided or goods or documents supplied by the local authority in pursuance of or in connection with the performance of any function of the local authority.

(2) Subject to subsection (3), fees and charges imposed by a local authority under subsection (1) shall be regulated by by-laws or, if not so regulated, may be imposed by resolution of the council.

(3) A local authority shall not impose any fees or charges in respect of owners rates and personal levy without the prior approval of the Minister.

Allowances

28. A councillor shall be paid allowances as determined by the Emoluments Commission.

Alderman

29. (1) A city council, municipal council or town council may appoint to the dignity of alderman any person who has held office as a councillor of that council for a period or periods amounting in the aggregate to not less than ten years.

(2) If a city council, municipal council or town council considers that a person appointed to the dignity of alderman has subsequently ceased to be worthy of the dignity, the city council, municipal council or town council shall revoke the appointment.

(3) Where the number of persons who are appointed as aldermen equals or exceeds one third of the councillors, no further appointment of aldermen may be made.

(4) An alderman is entitled whether or not the alderman is a councillor, to retain the title of alderman.

(5) A person who immediately before the coming into operation of this Act, was an alderman of a city council or municipal council shall be deemed to have been appointed to that dignity under this Act.

(6) An alderman may attend a meeting of the council.

Freeman

30. (1) A city council, municipal council or town council may admit to the status of honorary freeman of the city, municipality or town a person of distinction who has rendered eminent services to the city or municipality.

(2) Subject to subsection (4), if a city council, municipal council or town council considers that a person admitted to the status of honorary freeman of the city, municipality or town has subsequently ceased to be worthy of the status, the city council, municipal council or town council shall annul the admission of the person to that status.

(3) The power of admitting or annulling the admission of a person to the status of honorary freeman of a city, municipality or town shall not be exercised except by resolution of the city council, municipal council or town council supported by the votes of not less than two-thirds of the councillors.

(4) The principal officer of a city council, municipal council or town council shall keep a list, to be styled the honorary freemen's roll, in which the names of persons admitted to the status of honorary freeman of the city, municipality or town are inscribed and from which shall be removed the name of any person whose admission to that status has been annulled.

PART IV
FUNCTIONS OF THE NATIONAL GOVERNMENT IN RELATION TO LOCAL GOVERNMENT

Functions of National Government

31. The National Government shall, in relation to the powers and functions of a local authority conferred by this Act—

(a) facilitate the exercise of those powers and the discharge of those functions in a manner that gives due recognition to the autonomy of local authority;

(b) formulate national policies, regulatory frameworks, guidelines and service delivery minimum standards for the local government system;

(c) ensure compliance with national policies, guidelines and standards;

(d) develop policies and provide for regulatory framework;

(e) provide the necessary technical support or assistance to local authority for the development of respective sectors in the districts within the area of a local authority;

(f) assist in the implementation of resolutions of the local authority relating to the national government's development agenda;

(g) recognise and enhance the role of local government authorities in the provision of services and supervision of national government development activities within areas;

(h) finance local authority in order to execute their devolved functions;

(i) inspect and audit the books of accounts, records, any other relevant documents, and the services and goods provided bylocal authority;

(j) collect, consolidate, analyse and disseminate data from a local authority to facilitate decision making at both national and local level, as well as to improve transparency and accountability; and

(k) provide mechanisms where necessary, for consultations between national government and local authority.

Functions at provincial level

32. A Provincial Minister shall, in relation to the powers and functions of a local authority, monitor the performance of the functions at the provincial level for the purposes of ensuring the implementation of the concurrent functions of the Province and exclusive functions of the local authorities.

Technical support Cap. 1

33. Subject to the Constitution, a Ministry shall for the purpose of ensuring implementation of national policies and adherence to performance standards on the part of a local authority, provide technical advice, support and training within that Ministry's respective sector.

Guidance by Minister to local authority

34. (1) The Minister shall, in consultation with the Provincial Minister, if satisfied on receipt of a report on a local authority, that a function of a local authority is being exercised improperly or inefficiently manner, cause a meeting of the council to be called and point out the irregularities and give the local authority the necessary guidance, and the Provincial Minister shall, in consultation with the Minister, monitor the implementation of that guidance within the Province.

(2) The Minister shall, in consultation with the Provincial Minister, where the Minister considers that the matter is of a grave nature, institute an *ad hoc* committee to investigate the matter and prepare a report with recommendations on appropriate actions to be taken.

Local authority to furnish Minister with information

35. (1) A local authority shall on the request of the Minister, furnish information necessary for the performance of the Minister's functions under this Act.

(2) The information under subsection (1) shall be copied to the Provincial Minister where appropriate.

PART V

WARD DEVELOPMENT COMMITTEES

Establishment of Ward Development Committee

36. (1) There is established in each ward a Ward Development Committee in the area of a local authority consisting of the following part time members appointed by the Town Clerk or Council Secretary:

(a) an elected zonal representative from each zone;

(b) an extension officer from the department responsible for agriculture, fisheries and livestock or economic sectors appointed based on the economic activity pre dominant in the ward as determined by the local authority;

(c) an extension officer from the department responsible for education;

(d) an extension officer from the department responsible for health;

(e) an extension officer from the department responsible for community development;

(f) a representative from a local non governmental organisation in a ward;

(g) a representative of the Zambia Agency for Persons with Disabilities;

(h) a representative from a marginalised group;

(i) a representative of the Chief in the ward;

(j) Ward Councillor;

(k) a trustee from the local authority;

(l) a youth, sports and recreation focal point person; and

(m) a gender focal point person.

(2) The members under subsection (1) *(b), (c), (d) (e), (k),* (l) and *(m)* shall be appointed as ex-officio members.

(3) The members under subsection (1) *(b),(e), (f), (g), (h), (i), (j)* and (l) shall be nominated by their respective institutions or organisations.

(4) A Ward Development Committee may invite a person to attend and participate in the deliberation of a meeting of the Ward Development Committee but that person shall have no vote.

(5) The local authority is responsible for conducting zonal elections in its area and shall—

(a) set the date and time of elections in the district; and

(b) carry out registration of voters in the zone.

(6) The Minister shall issue guidelines on the—

(a) establishment, management, and operation of a Ward Development Committee; and

(b) conducting of zonal elections.

(7) The Town Clerk or Council Secretary is responsible for the establishment of Ward Development Committees in the area of a local authority.

(8) The Fourth Schedule applies to a Ward Development Committee.

Functions of Ward Development Committee

37. The functions of a Ward Development Committee are to—

(a) prepare annual ward development plans;

(b) collect revenue, levies and fees on behalf of a local authority on appointment by resolution of the council;

(c) monitor and evaluate ward development projects;

(d) promote community engagement in ward development planning;

(e) formulate and submit project list and budget proposals to the Constituency Development Fund Committee established under the Constituency Development Fund Act, 2018;

Act No. 11 of 2018

(f) support research on an area of study for the advancement of the local community;

(g) facilitate the identification of potential areas of investment and promote sustainable local economic development;

(h) promote and participate in the co management of natural and trans-boundary resources between or among wards;

(i) provide a forum for dialogue and coordination on ward development issues;

(j) identify areas for capacity building within the ward;

(k) promote and encourage village regrouping and urban renewal activities;

(l) identify in the ward, and submit to the local authority, potential areas of revenue sources likely to broaden the revenue base of the local authority;

(m) prudently manage resources allocated to the ward by the local authority in line with principles of public financial management;

(n) manage and keep a record of resources allocated to the Ward Development Committee;

(o) prepare quarterly reports on developmental activities within the ward to the appropriate committee of the local authority; and

(p) develop and maintain a ward based database as guided by the local authority.

Ward Development Executive Committee

38. (1) There is established a Ward Development Executive Committee elected from among the Members of the Ward Development Committee consisting of the following part time members:

(a) a Chairperson, who shall be elected from among the elected members from zones;

(b) the Vice Chairperson who shall be elected by the members from among themselves;

(c) secretary;

(d) treasurer; and

(e) four committee members.

(2) A Ward Development Executive Committee shall perform the executive functions of a Ward Development Committee.

Dissolution of Ward Development Committee

39. (1) A local authority may dissolve a Ward Development Committee on—

(a) the expiry of its tenure of office;

(b) a resolution of the council;

(c) the resignation of more than one third of its members; and

(d) a vote of no confidence cast by two thirds of the members of the ward.

(2) A local authority may, subject to the approval of the Minister, suspend or dissolve a Ward Development Committee.

PART VI
FINANCE

Financial year

40. The financial year of a local authority shall be the period of twelve months ending on 31st December in each year.

Budget

Act No. of 2018

41. A local authority shall cause to be prepared an annual budget in accordance with the National Planning and Budget Act, 2018.

General and special funds Cap. 1

Act No. 1 of 2018

42. Subject to the Constitution and the Public Finance Management Act, 2018, the Minister responsible for finance, may in consultation with a local authority, make regulations for the—

(a) administration and management of a general or special fund;

(b) activities that those funds shall finance and the manner of financing; and

(c) any other matter necessary for the efficient operation, administration and management of the funds.

Bank accounts

43. (1) A local authority shall open and maintain a bank account.

(2) In this section, " bank account " has the meaning assigned to the words in the Public Finance Management Act, 2018.

Act No. 1 of 2018

Accounts

44. (1) A local authority shall cause to be kept proper books of accounts and other records relating to the accounts of the local authority .

(2) The accounts of the local authority shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

(3) The accounts of a local authority , shall be open for inspection by members of the public during normal office hours on the payment of a prescribed fee.

Annual Report

45. (1) As soon as practicable, but not later than three months after the financial year, a local authority shall submit to the Minister a report concerning the activities of a local authority during the financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of a local authority and there shall be appended to that report—

(a) an audited statement of financial position;

(b) an audited statement of comprehensive income; and

(c) other information that the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (1), lay the report before the National Assembly.

(4) The auditors' fees shall be paid by a local authority.

Investment of funds Act No. 1 of 2018

46. Subject to the Public Finance Management Act, 2018, a local authority may, with the approval of the Minister responsible for finance invest the funds of a local authority that it does not immediately require.

Administration of Equalisation Fund

47. (1) The Minister responsible for finance may, in consultation with the Minister, make regulations for the—

(a) administration and management of the Equalisation Fund;

(b) the activities that the Fund shall finance and the manner of financing activities; and

(c) any other matter necessary for the efficient operation, administration and management of the Equalisation Fund.

(2) A local authority shall use at least twenty percent of the funds received by a local authority from the Equalisation Fund, in any financial year, to finance capital expenditure.

(3) A balance in the Equalisation Fund at the close of each financial year shall be retained by the Equalisation Fund and any deficiency realised in any year shall, subject to the approval of the Minister responsible for finance, be offset against the realised surplus.

(4) The Minister shall cause an annual report to be prepared on the operations of the Equalisation Fund and laid before the National Assembly.

(5) Despite the establishment of the Equalisation Fund, the Minister responsible for finance shall, in consultation with the Minister, make additional funds and grants to a local authority for any additional functions that may be devolved to a local authority.

Authority to borrow and modes of borrowing Act No. 1 of 2018

48. Subject to the Public Finance Management Act, 2018, a local authority may borrow sums of money that it may require for the purpose of carrying out its functions by way of—

(a) a loan under section 24;

(b) the issue of stock or bonds;

(c) a mortgage;

(d) a temporary loan or overdraft from a bank or other source; or

(e) a loan from any other source.

Authority for borrowing and receipt of fund

49. Despite section 48, a local authority shall not borrow money or receive any money by way of a grant or donation from a source outside the Republic without prior approval of the Minister.

Security for borrowing and priorities of securities Act No. 13 of 2016

50. (1) Monies borrowed by a local authority shall be a charge on the general fund of the local authority and all securities of a local authority shall rank in accordance with the provisions of the Movable Property (Security Interest) Act, 2016 or any other written law.

(2) The interests for the time being payable in respect of any monies borrowed by a local authority is a charge on the general fund of a local authority.

Suspension of repayment of sums borrowed

51. Where a sum of money is borrowed by a local authority, that local authority may, subject to the consent of a lender, suspend an annual provision for the repayment of the sum so borrowed for a period not exceeding five years as the Minister may determine.

Lenders relieved from certain inquiries

52. A person lending money to a local authority shall not be bound to inquire whether the borrowing of the money is or was legal or regular, or whether the money raised was properly applied, and shall not be prejudiced by an illegality or irregularity in these matters or by the misapplication of that money.

PART VII

CIVIC DUTIES AND RESPONSIBILITIES

Civic duties and responsibilities

53. A councillor shall perform civic duties and responsibilities with dignity and integrity in accordance with the code of ethics set out in the Fifth Schedule.

Constitution of Tribunal

54. The Chief Justice shall, where a recommendation is made for a councillor to vacate office, constitute an *ad hoc* Local Government Code of Ethics Tribunal.

Declaration of assets

55. A councillor shall submit to a Magistrate in the area a declaration of assets, liabilities and income, as prescribed.

Suspension of Councilors

56. The Minister may, by reason of the refusal, failure or inability of a council to adequately perform all or any of its functions, by statutory order—

(a) appoint a public officer to be the Local Government Administrator for that council; and

(b) suspend all councillors of the council from performing all of their functions as councillors and empower the Local Government Administrator to discharge all the functions of the council.

(2) Any functions of the council discharged by a Local Government Administrator under subsection (1) shall be deemed to have been discharged by the council in accordance with this Act.

(3) The Local Government Administrator shall relinquish office on the lifting of the suspension.

Revocation of appointment order
Cap. 1

57. (1) An order made by the Minister under section 56 shall, unless revoked, expire after ninety days of the date of making the order, except that the Minister may, in the interest of local administration, extend the order for further periods of ninety days at a time.

(2) Where the Minister revokes the order appointing the Local Government Administrator made under section 56, of the Local Government Administrator shall cease to perform the functions of the council, and the functions shall be vested and performed by the council that is constituted under Article 153(2) of the Constitution.

PART VIII

BY-LAWS AND REGULATIONS

Power to make by-laws
Cap. 1

58. (1) A local authority may, subject to the Constitution and this Act, make by-laws.

(2) Without limiting the generality of subsection (1) the council may make by-laws for—

(a) controlling any of the things which, and any of the persons whom, it is empowered by or under this Act to control;

(b) prohibiting any of the things which it is empowered by or under this Act to prohibit;

(c) requiring or compelling the doing of any of the things which it is empowered by or under this Act to require or compel;

(d) providing for the issue or supply of licences, permits, certificates and other instruments and documents;

(e) require acts or things to be performed or done to the satisfaction of an officer or agent of the local authority and may empower an officer or agent of the council to issue directions to any person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates on, within or before which acts or things are to be performed or done or conditions are fulfilled; and

(f) confer on the officers and agents of the local authority powers of entry, inspection, inquiry and execution of works that are reasonably necessary for the proper carrying out or enforcement of the powers.

Language of by-laws

59. A by-law made by a local authority under this Act shall be in the English language except that nothing in this section shall be construed as precluding the use of another language as well as English to bring the content of any such by-law to the notice of any person concerned.

Penalties

60. (1) Despite section 56, a by law made by a local authority under this Act may prescribe penalties for any contravention of that by-law, not exceeding

(a) a fine of fifty thousand penalty units or imprisonment for a term not exceeding six months, or to both; and

(b) in the case of a continuing contravention of a by-law, a fine of six thousand penalty units for each day that the contravention continues.

(2) A by-law made by a local authority under this Act may provide that in addition to, or in substitution for any penalty prescribed for a contravention of that by-law, any expenses incurred by a local authority in consequence of that contravention or in the execution of any work directed by or under that by-law to be executed by any person and not executed by that person, shall be paid by that person.

(3) Where a person is convicted of contravening a condition of a licence or permit issued under this Act, the court which convicts that person may, in addition to or in substitution for, any penalty prescribed for a contravention of a by-law or regulation, revoke the licence or permit in respect of which that offence was committed.

(4) Subject to the written consent of the Director of Public Prosecutions and where a local authority is satisfied after an investigation, or where a person admits that that person has committed an offence under this Act, a local authority may compound the offfence by collecting from that person such sum of money as the town clerk or Council secretary considers appropriate, but not exceeding fifty percent of the maximum amount of the fine to which that person would have been liable on conviction, and a person having made such payment shall not be thereafter prosecuted in relation to the offence so compounded .

Notice of by-laws and objection thereto

61. (1) A local authority shall, at least thirty days before an application is made to the Minister for approval of a by-law, publish a copy of the by-law in a newspaper of general circulation in the area of the local authority and in any other manner that the Minister may approve and deposit a copy at the office of a local authority for inspection by members of the public during normal office hours on payment of a prescribed fee.

(2) The principal officer of a local authority shall, at least thirty days before application is made for approval of a by-law, give public notice of—

(a) the intention to apply for confirmation of the by-law;

(b) the deposit of the by-law required by this section and the right to inspect that by-law; and

(c) the procedure for lodging objections to the by-law.

(3) A person may, at any time before application is made for confirmation of the by-law, lodge an objection with the principal officer of a local authority in the prescribed manner and form on payment of a prescribed fee.

(4) The principal officer of a local authority shall, on receipt of an objection, furnish the Minister with a copy of the objection.

Confirmation of by-laws

62. (1) A by-law made by a local authority under this Act shall not have the force of law before it has been approved by the Minister.

(2) An application by a local authority for the approval of a by-law by the Minister shall be accompanied by—

(a) three authenticated copies of the by law;

(b) an authenticated copy of the minutes of the meeting of a local authority at which the by law was made;

(c) a certificate, signed by the principal officer of the local authority, that the provisions of section 61 have been complied with;

(d) the comments of a local authority on any objections lodged; and

(e) submissions received from the Ward Development Committee on the by law.

(3) The Minster shall, after considering the application by a local authority—

(a) approve the by law;

(b) refuse to approve the by law; or

(c) approve the by law in part, with the necessary modifications.

Power of Minister to amend or revoke by-laws Cap. 1

63. (1) Subject to the Constitution, the Minister may, subject to the provisions of this section, by statutory order, amend or revoke any by-law by a local authority under this Act.

(2) The Minister shall, before exercising the powers conferred by subsection (1), give a local authority reasonable notice of the Minister's intention and shall afford a local authority an opportunity to make representations to the Minister on the by-law.

Power to make regulations

64. (1) The Minister may, by statutory instrument, make regulations for any purpose for which, and to the same extent to which, a local authority is empowered by or under this Act to make by-laws or Standing orders.

(2) Regulations made under subsection (1) shall have the force of law only in the areas to which they are applied and, if any regulations so applied to any area are amended or revoked by subsequent regulations made under subsection (1), the subsequent regulations shall have the force of law in that area only to the extent that they are applied in accordance with this Act.

Application of regulations

65. The Minister may, by statutory order, after consultation with a local authority—

(a) apply all or any regulations made under section 65 to the whole or any part of the area of the local authority; or

(b) withdraw the application of any regulations so applied.

Regulations to prevail over by-laws or Standing orders

66. In so far as regulations made under section 64 which apply in the area of a local authority conflict with or derogate from the provisions of any by-laws or standing orders made by a local authority under this Act, the regulations shall prevail.

Reference in other laws

67. A reference in any other law to by-laws or standing orders made by a local authority under this Act shall, unless the context otherwise requires, be construed as including a reference to regulations made under section 65 which apply in the area of a local authority.

PART IX
General Provisions

Provincial Local Government Officer

68. (1) The Civil Service Commission shall appoint for each province a Provincial Local Government Officer who shall be a public officer.

(2) A Provincial Local Government Officer shall, within the province for which the Provincial Local Government Officer is appointed—

(a) perform functions that the Minister, under the Statutory Functions Act and this Act may delegate to the Provincial Local Government Officer; and

(b) perform other functions that may be conferred on the Provincial Local Government Officer or under any written law.

General offences

69. (1) A person commits an offence if that person—

(a) wilfully obstructs any officer, employee or agent of a local authority in the discharge of the person's functions;

(b) being the occupier of any premises, prevents the owner of that premises from executing any work which is required by or under this Act to be executed, or otherwise prevents the owner of that premises from complying with any of the lawful requirements of a local authority or of an officer, employee or agent of a local authority; or

(c) being the occupier of any premises, on demand made by an officer, employee or agent of a local authority, refuses or wilfully misstates the name of the owner of that premises.

(2) A person convicted of an offence under subsection (1), is liable to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Inspection of documents

70. (1) Where, by or under this Act, it is provided that a document is open to the inspection by any person or class of persons, that person or class of persons may inspect or make a copy of the document on payment of a prescribed fee.

(2) A document may be open for inspection by any person or class of persons during the normal office hours of the local authority.

Public notice

71. A public notice required to be made by a local authority or by an officer of a local authority shall be made by publication of the notice in a newspaper of general circulation in the area of the local authority or in any other manner that the Minister may approve.

Service of documents

72. Despite this Act or any other written law, a document may be served on a local authority by—

(a) personally serving a principal officer of the local authority or any other person empowered by the principal officer to accept service on behalf of the local authority; or

(b) delivery of the document to the registered office of the local authority.

(2) Where service in the manner specified in subsection (1) is not possible, a document may be served on the local authority by registered or electronic mail.

Legal proceedings Act No. 34 of 2010

73. (1) Subject to the National Prosecution Authority Act, 2010, a local authority may institute criminal proceedings against any person alleged to have contravened this Act or a by-law of a local authority before a court in respect of a contravention of this Act or any by-law of the local authority within its area.

(2) Where a local authority considers it expedient for the promotion or protection of the interests of the inhabitants of its area, it may institute or defend any civil proceedings.

Evidence

74. (1) The minutes of a meeting of a council or committee purporting to be signed as provided by this Act, and any copy of or extract of the minutes duly authenticated shall be *prima facie* evidence in any proceedings of the facts set out in the minutes without proof of the—

(a) signature of the person presiding at the meeting;

(b) meeting to which the minutes refer was duly convened or held; or

(c) people attending that meeting were councillors or members of the committee.

(2) The books and registers of a local authority and any copy of or extract from the books or registers duly authenticated shall, in any proceedings for the recovery of any amount alleged to be due to the local authority, be *prima facie* evidence of the amounts so due.

Power of arrest

75. (1) An authorised officer of a local authority may, with the approval of the Inspector General of the Police, Commissioner of the Police or Assistant Commissioner of the Police arrest without warrant any person on reasonable suspicion of the person having committed a contravention of this Act within the area of the local authority and may detain that person until that person can be delivered into the custody of a police officer.

(2) A person shall not be arrested or detained without warrant under this section unless reasonable grounds exist for believing that, except by the arrest of the person, that person could not be found or made answerable to justice without undue delay.

Validity of discharge of functions by officers and employees of council

76. A function carried out by a person purporting to be an officer or employee of a local authority shall not be invalidated by reason only of a defect afterwards discovered in the appointment or qualifications of that officer or employee.

Powers of Minister to approve, confirm or determine matters

77. (1) Whenever the Minister is authorised to approve, confirm or determine any matter for the purposes of this Act, then unless the context otherwise requires, the Minister may—

(a) approve, confirm or determine the matter generally or specifically and subject to conditions and limitations that may be specified in the approval, confirmation or determination; or

(b) withdraw or alter any approval, confirmation or determination so given or made, except that, no withdrawal or alteration shall affect anything lawfully done in pursuance of that approval, confirmation or determination.

(2) Any approval, confirmation or determination or the withdrawal or alteration of any approval, confirmation or determination by the Minister under this Act shall be by a—

(a) statutory order; or

(b) notice in writing addressed to the principal officer of a local authority concerned.

Inquiries

78. (1) The Minister may, for the better carrying out of any of the Minister's functions under this Act, appoint a person or persons to inquire into any matter relating to the discharge of those functions and, on the completion of the inquiry, to report and make recommendations on the matter to the Minister.

Cap. 41

(2) The provisions of the Inquiries Act apply in relation to any person appointed under this section as if those persons were commissioners appointed by a commission issued under that Act and references in that Act to commissioners and a commission shall be construed accordingly.

(3) Nothing in this section shall be construed as requiring the Minister, in the carrying out of the Minister's functions under this Act, to give effect to any recommendations made to the Minister under subsection (1).

Authority to issue guidelines

79. (1) In the exercise of its functions under this Act, a local authority may make guidelines that are necessary for the better carrying out of the provisions of this Act.

(2) A local authority shall publish the guidelines issued under this Act in the *Gazette* and may publish this in a daily newspaper of general circulation in the Republic, and the guidelines shall not take effect until they are so published.

(3) The guidelines issued by the local authority under this Act shall bind all persons regulated under this Act.

Regulations

80. (1) The Minister may, by statutory instrument make regulations prescribing anything which may be prescribed under this Act or generally for the better carrying out of the provisions of this Act.

(2) Despite the generality of subsection (1), the Minister may, by statutory instrument—

(a) establish a fire authority for any area;

(b) alter the area of any fire authority;

(c) require a local authority to carry out the functions of a fire authority;

(d) require a fire authority to enter into arrangements with other fire authorities or other organisations for mutual co-operation and assistance;

(e) prescribe the powers and functions of a fire authority;

(f) regulate the operations of any fire brigade;

(g) regulate the standards for providing, maintaining and operating by any person of—

(i) adequate fire fighting equipment;

(ii) fire-prevention equipment or service;

(iii) fire-escape facilities in any premises;

(h) provide for the inspection of any premises by fire inspectors or fire officers; and

(i) provide for the powers and functions of fire inspectors or fire officers to be published in the *Gazette*; and

(j) provide for trade regulations.

Repeal of Cap. 281

81. The Local Government Act, 1991, is repealed.

Savings and transitional provisions

82. (1) On or after the commencement of this Act, the Minister shall, by a transfer and vesting order under the Second Schedule transfer to, or vest in a local authority, property, rights and obligations of a council established for a district by the repealed Act.

(2) On the commencement of this Act, a council shall continue to exist as if established under this Act.

Cap. 1

(3) Subject to the Constitution, the coming into operation of this Act does not affect the tenure of office of a deputy mayor or deputy council chairperson in office immediately before the coming into operation of this Act.

FIRST SCHEDULE
(*Section* 16(2))
FUNCTIONS OF LOCAL AUTHORITY

General Administration

1. A local authority shall, in relation to general administration—

(a) establish and maintain offices and buildings for the purpose of transacting the business of the council and for public meetings and assemblies;

(b) insure against losses, damages, risks and liabilities which the council may incur; and

(c) maintain law and order and ensure local security and the good administration of the council.

Advertisements

2. A local authority shall, in relation to advertisements, regulate the erection and display of advertisements and advertising devises in, or in view of, streets and other public places.

Agriculture

3. A local authority shall, in relation to agriculture—

(a) establish and maintain farms and allotment gardens;

(b) take and cause the taking of measures for the—

(i) storage, market and preservation of agricultural produce;

(ii) conservation of natural resources; and

(iii) prevention of soil erosion, including the prohibition and control of cultivation;

(c) take and cause the taking of measures for the control of grass weeds and wild vegetation and for the suppression and control of plant and insect pests and diseases;

(d) maintain, protect and control local forests and wood lands;

(e) control the keeping and movement of livestock;

(f) establish and maintain ponds;

(g) establish and maintain grazing grounds;

(h) take measures for the destruction and control of bees and of dangerous animals and reptiles;

(i) control the slaughtering of animals where the meat is intended for human consumption;

(j) control the sale of meat under subparagraph (i);

(k) require the disposal of diseased animals and carcasses whose meat is unfit for human consumption;

(l) establish and maintain abattoirs, cold storage facilities and plans for the processing of by-products from abattoirs; and

(m) control the movement of the carcasses of animals.

Public street and street

4. A local authority shall, in relation to a public street and street—

(a) establish and maintain roads;

(b) exercise general control, care and maintenance of all public roads, streets, avenues, lanes, sanitary lanes and footwalks forming part thereof, bridges, squares, ferries and water courses and to remove all obstacles therefrom;

(c) prohibit and control the erection and laying in, under or over, and the removal from, streets and other public places of—

(i) posts, wires, pipes, conduits, cable and other apparatus;

(ii) temporary platforms, seats and other structures; and

(iii) street decorations;

(d) control traffic and the parking of vehicles and establish and maintain parking meters and premisses for the parking of vehicles; and

(e) take measures for the promotion of road safety.

Community development

5. A local authority shall, in relation to community development—

(a) prepare and administer schemes for the encouragement of and participation in, community development;

(b) establish and maintain a system of lighting in street and other public places;

(c) establish and maintain firefighting and prevention services, and take and cause the taking of measures for the protection of life, property and natural resources from damages by fire;

(d) control persons and premises engaged in or used for the manufacture, preparation, storage, handling, sale or distribution of items of food or drink;

(e) establish and maintain premises for the sale of food and drink, including beer and other intoxicating liquor for consumption on or off the premises;

(f) establish and maintain catering services;

(g) erect, purchase and maintain buildings used as dwellings or clubs and, where it is in the public interest, for use for business or professional purposes;

(h) erect, purchase and maintain buildings and facilities and encourage the erection of dwellings needed for the accommodation of persons residing within the area the local authority; and

(i) prohibit and control the development and use of land and buildings and the erection of buildings, in the interests of public health, public safety, and the proper and orderly development of the area of the local authority;

(j) control the demolition and removal of building and require the altering demolition and removal of buildings which—

(i) do not conform to plans and specifications in respect of those buildings approved by the council; or

(ii) are a danger to public health or public safety;

(k) require the statutory leaseholder or occupier of land to

(i) remove, lower or trim to the satisfaction of the council any tree shrub or hedge over hanging or interfering with traffic in any street or with any wires, or with works of local authority;

(ii) remove any dilapidated fence or structure abutting on any public or place;

(iii) paint, dis-temper, whitewash or colour wash the outside walls or roof of any building forming part of the premises; and

(iv) tidy the premises;

(l) remove from the premises any unsightly debris, including derelict vehicles;

(m) provide space on which debris and derelict vehicle may be deposited;

(n) prohibit, control and require the fencing of land to control the use of barbed wire and other dangerous materials for fencing;

(o) in the event of the statutory leaseholder or occupier failing to comply with a notice from the local authority requiring the statutory leaseholder or occupier to to perform any of the acts specified in sub paragraph (k), to undertake the work and charge the statutory leaseholder or occupier with the cost thereof; and

(p) assign names to localities, and numbers to premises which shall be displayed at the premises.

Public amenities

6. A local authority shall, in relation to public amenities—

(a) establish and maintain parks, zoos, gardens, pleasure grounds, camping grounds, caravan sites and open spaces;

(b) plant, trim and remove trees, shrubs and plants in streets and other public places, and prohibit and control the planting camping, destruction and removal of trees, shrubs, and plants in streets and other public places;

(c) establish and maintain swimming baths and bathing places;

(d) establish and maintain art galleries, libraries, museum and film services;

(e) establish and maintain social and recreational facilities and public entertainments; and

(f) establish and maintain a public transport service.

Public health

7. A local authority shall, in relation to public health—

(a) establish and maintain environmental health services;

(b) establish and maintain cemeteries, cemetoria and mortuaries, and otherwise provide for and control of the dead, and destitute persons who die in the area of the local authority;

(c) control the manufacture, storage, sale and use of petroleum, fireworks, gas and other combustible or dangerous substances, and to establish and maintain magazines and other facilities for the storage thereof; and

(d) take and require the taking of measures for the preservation and improvement of public health and the prevention and abatement of nuisances, including measures for the extermination of mosquitoes and other insects rats, mice and other vermin.

Public order

8. A local authority shall, in relation to public order—

(a) control persons, premises and land engaged in or used for the holding of any fair circus, fete or other entertainment, recreation or assembly to which the public are entitled or permitted to have access, whether on payment or otherwise;

(b) prohibit or control the collection of money from door to door and in streets and other public places;

(c) preserve public decency;

(d) prevent damage and trespass to property, whether public or private;

(e) establish and maintain public information services; and

(f) advertise and give publicity to the advantages and amenities of the area of the local authority.

Registration

9. A local authority shall, in relation to registration, keep and maintain the—

(a) enumeration and registration of persons or property for any purpose connected with the administration of the area of the local authority;

(b) register of births, marriages and deaths;

(c) register of clubs; and

(d) register of transaction in connection with land charges that may be prescribe in any written law relating to land charges.

Sanitation and drainage

10. A local authority shall, in relation to sanitation and drainage—

(a) establish and maintain sanitary convenience and ablution facilities and require, whenever necessary, the establishment and maintenance of those facilities;

(b) establish and maintain sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent, and compel the use of those services;

(c) establish and maintain drains, sewers and works for the disposal of sewerage and refuse;

(d) take and require the taking of measures for the drainage of water;

(e) require and control the provision of drains and sewers and compel the connection of any drains and sewers established by the local authority;

(f) prohibit and control the carrying on of offensive, unhealthy or dangerous trade;

(g) establish and maintain weighing machines;

(h) sell products and by products resulting from the carrying on of any of the undertakings or services of the local authority;

(i) establish and maintain the business of

(i) manufacture;

(ii) wholesale; and

(iii) retailer;

(j) undertake mining operations and control;

(k) provide and maintain supplies of water and, for that purpose, establish and maintain waterworks and water mains; and

(l) take and require the taking of measures for the conservation and the prevention of the pollution of supplies of water.

Additional devolved functions of a local authority

11. A local authority shall also—

(a) carry out communication services with the approval of the Zambia Information Communication Technology Authority;

(b) establish and maintain postal services with the approval of the Director of Postal Services;

(c) establish and maintain twin town contacts;

(d) provide municipal public works only in respect of the needs of municipality in the discharge of their responsibilities to administer functions specifically assigned to the local authority under the Constitution or any other written law; Cap. 1

(e) pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto;

(f) manage storm water management systems in built up areas;

(g) develop trading regulations;

(h) manage museums;

(i) establish and maintain facilities for the accommodation, care and burial of animals; and

(j) manage refuse removal, refuse dumps and disposal of solid waste.

SECOND SCHEDULE
(*Sections* 5 *and* 82)

TRANSFER AND VESTING ORDERS

Interpretation

1. In this Schedule—

" predecessor " means a council established under the repealed Act, or a council established under this Act for a district which has ceased to exist or whose area has been decreased by changes in the area of the district; and

" successor " means a council established under this Act for the same district as a council established under the repealed Act or for a district which has ceased to exist or whose areas has been increased by changes in the area of the district.

Vesting order

2. A transfer and vesting order may make provisions for—

(a) the transfer to the successor of the funds, accounts investments and other property of the predecessor;

(b) the transfer to the successor of any rights, liabilities of the predecessor, except that in any case where an order is made as a result of a change in the areas of the predecessor and the successor, any transfer of the kind mentioned in paragraph *(a)* or *(b)* shall be commensurate with the changes involved;

(c) the substitution of the successor for the predecessor in any legal proceedings;

(d) in any case in which both predecessor and successor are continuing councils, the payment of compensation, or of any contribution, by the successor to the predecessor, or the giving of guarantees by the one to the other;

(e) the transfer of staff and provisions for the transfer of superannuation benefits; and

(f) the preservation and transfer into proper custody of the record of a council.

(2) In the case of a transfer and vesting order made under section 5 the order may also provide for the alteration of the constitution of the council concerned.

THIRD SCHEDULE
(*Section* 15)
PROCEEDINGS OF COUNCIL

Ordinary and special meetings

1. (1) A council shall hold an ordinary meeting for the transaction of business at least once in every three months at a place, on a day and at a time that the council may appoint.

(2) Despite subparagraph (1), a newly established council shall hold its first ordinary meeting within three months from the date of its establishment.

(3) A mayor or council chairperson may, with the approval of the Provincial Local Government Officer, convene a special meeting of the council at any time, and shall convene a special meeting within twenty one days, or a lesser period that may be prescribed by the standing orders of the council, after the mayor receives a written request for a meeting signed by not less than one third of the councillors and stating the reasons for the special meeting.

Notice of meetings

2. (1) The principal officer of a council shall, at least twenty four hours before the time appointed for the holding of a meeting of a council, notify every councillor, in writing, of the place, day and time of the meeting and of the business proposed to be transacted at the meeting.

(2) No business shall be transacted at a special meeting of a council other than that specified in the notice relating thereto.

Quorum

3. (1) Subject to the provisions of this paragraph—

(a) at an ordinary meeting of a council, one half of the whole number of councillors of which the council consists shall form a quorum; or

(b) at a special meeting of a council, two thirds of the whole number of councillors of which the council consists shall form a quorum.

(2) Where, owing to—

(a) vacancies in the membership of a council;

(b) a declaration of interest under paragraph 6; or

(c) a combination of the circumstances referred to in subparagraphs (a) and (b), less than two thirds of the councillors are at the same time able to take part in the consideration or discussion of, or to vote on, any question, the quorum of the council in any proceedings relating to that question shall be determined by the councillors holding office and who have not declared interest under paragraph 6 and not all the councillors of that council.

Presiding in council

4. There shall preside at any meeting of a council—

(a) the mayor or council chairperson;

(b) in the absence of the mayor or council chairperson, the deputy mayor or deputy council chairperson; or

(c) in the absence of the mayor and the deputy mayor or the council chairperson and the deputy council chairperson, a councillor that the council may elect at that meeting.

Voting in council

5. A decision of a council on any question shall be by a majority of the councillors present and voting at a meeting, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to that person's deliberative vote.

Declaration of interest

6. (1) If a councillor has any pecuniary interest, direct or indirect, in any contract, proposed contract or of other matter, and is present at a meeting of the council at which the contract or other matter is the subject of consideration, the councillor shall, at the meeting, as soon as is practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter, except that, this paragraph shall not apply to an interest in a contract or other matter which a councillor may have as an occupier of a house owned by the council or as a rate payer or inhabitant of the area of the council or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(2) For the purposes of this paragraph, a person shall be treated as having indirectly a pecuniary interest in a contract or other matter, if—

(a) the person or any nominee of the person is a member or director of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration; or

(b) the person is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration, except that—

(i) this sub-paragraph shall not apply to membership of, or employment under, any statutory corporation;

(ii) a member or director of a company or body shall not, by reason only of the persons membership or directorship, be treated as being so interested if the person is not beneficially interested in any shares of that company or other body.

(3) Where a councillor has indirectly a pecuniary interest in a contract or other matter and would not fall to be treated as having an interest but for the fact that the councillor has a beneficial interest in shares of a company or other body then, if the total nominal value of these shares does not exceed one hundredth of the total nominal value of the issued share capital of the company or body, so much of sub paragraph (1) as prohibits that person from taking part in the consideration or discussion of, and from voting on any question with respect to, the contract or other matter shall not apply to the person, without prejudice, however, to the duty of disclosure imposed by sub paragraph (1), except that, where the share of the company or other body is of more than one class, this sub paragraph shall not apply if the total nominal value of all the shares of any one class in which the person has a beneficial interest exceeds one-hundredth part of the total issued share capital of that class of the company or other body.

(4) In the case of married persons, the interest of one spouse shall, if known to the other be deemed for the purpose of this paragraph to be also an interest of that other spouse.

(5) A general notice given in writing to the principal officer of a council by a councillor to the effect that the councillor or the councillor's spouse is a member or director or in the employment of a specified company or other body, or that the councillor or the councillor's spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of the councillor's interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(6) The principal officer of a council shall record in a book to be kept for that purpose, particulars of any disclosure made under sub-paragraph (1), and of any notice given under sub-paragraph (5), and the book shall be open at all reasonable times to the inspection of any councillor.

(7) If any person fails to comply with the provisions of sub paragraph (1), the person shall for each offence be liable, on conviction, to a imprisonment for a term not exceeding fourteen years.

(8) No prosecution shall be instituted against any person for an offence under this paragraph except by or on behalf of the Director of Public Prosecutions.

(9) The Minister may, subject to conditions that the Minister may think fit to impose, remove any disability imposed by this section in any case in which the number of councillor so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the interests of the inhabitants of the area of council that the disability should be removed.

(10) In this regulation, the expression "shares" includes stock and the expression "share capital" shall be construed accordingly.

Adjournment of meetings

7. (1) A council may adjourn any meeting of the council from time to time and from place to place.

(2) If at any meeting of a council a quorum is not present, the councillors present or, if there are no councillors present, the principal officer of the council shall adjourn the meeting and may appoint for the adjourned meeting place, day and time that may be considered suitable.

Admission of public to meetings

8. (1) Subject to the provisions of sub-paragraph (2), all meetings of a council or a committee shall be open to the public.

(2) A council or committee may, by resolution, exclude the public from a meeting whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings.

(3) The provision of this paragraph shall be without prejudice to any power of exclusion conferred by the standing orders of a council for preserving order at meetings of the council and nothing in this section contained shall be construed as requiring a council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings or the making of any oral report on any proceedings as they take place.

Minutes

9. (1) A council shall cause minutes to be kept in the English language of the proceedings at every meeting of the council and shall cause to be recorded therein the names of the councillors present at that meeting.

(2) The minutes of the proceedings of a council shall, after amendment if necessary, be confirmed by the council as a true record of the proceedings and signed by the person presiding at the same or the next meeting of the council.

(3) Within one month after the minutes of any proceedings of a council have been confirmed and signed, there shall be furnished to the Minister a number of copies thereof that the Minister may determine.

(4) The minutes of the proceedings of a council, other than proceedings from which the public have been excluded in pursuance of a resolution adopted under paragraph (2), shall, at all reasonable times, be open to the inspection of any interested person.

Standing and occasional committee

10. (1) A council may establish standing and occasional committees consisting of a number of members that the council may determine, for the purpose of examining and reporting on any matter and of discharging any functions of the council delegated to them under this Act.

(2) A council consisting of more than six councillors shall in the exercise of the powers conferred by subsection (1), establish a standing committee for the purpose of—

(a) advising the council on financial matters; and

(b) discharging functions of the council relating to finance that may be delegated to it under this Act or as may be conferred or imposed on it by or under any other written law.

(3) A council may abolish any committee, established by it under this section, except the standing committee.

Membership of committees

11. (1) The members of a committee shall be appointed by the council from amongst persons who are councillors or are qualified for election as councillors, except that—

(a) a person other than a councillor shall not be a member of the standing committee;

(b) not less than two thirds of the members of a committee, other than the standing committee, shall be councillors.

(2) A person shall cease to be a member of a committee if—

(a) being a councillor at the time of the person's appointment, the person ceases to be a councillor; or

(b) not being a councillor at the time of the person appointment, the person ceases to be qualified for election as a councillor; or

(c) the person's appointment is revoked by the council.

(3) There shall be a chairperson of every committee, who shall be elected by the committee from among the members of the committee who are councillors and who shall hold office until a time that the chairperson—

(a) ceases to be a member of the committee; or

(b) is removed from office by the committee, except that, in the exercise of its powers under this subsection, a committee shall act in accordance with any directions of the council.

Proceedings of committees

12. (1) Meetings of a committee shall be held as required and may be adjourned from time to time and from place to place.

(2) The meetings of the council shall be open to the public.

(3) The quorum at a meeting of a committee shall be a number of members that may be prescribed by the standing orders of the council or, if no quorum is so prescribed, two members.

(4) There shall preside at any meeting of a committee

(a) the chairperson; or

(b) in the absence of the chairperson, a member of the committee that the committee may elect for that meeting.

(5) Any question proposed for decision by a committee shall be determined by a majority of the votes of the members present and voting at a meeting of the committee at which a quorum is present.

(6) At all meetings of a committee, each member present shall have one vote on a question proposed for decision by the committee and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(7) subparagraph 6 applies in respect of members of a committee with the necessary modifications.

Minutes

13. (1) A committee shall cause minutes to be kept in the English language of the proceedings at every meeting of the committee and shall cause to be recorded therein the names of the members of the committee present at that meeting.

(2) The minutes of the proceedings of a committee shall, after amendment if necessary, be confirmed by the committee as a true record of the proceedings and signed by the person presiding at the same or the next meeting of the committee.

(3) Within one month after the minutes of any proceedings of a committee are confirmed and signed, there shall be furnished to the Minister a number of copies thereof as the Minister may determine.

(4) The minutes of proceedings at a meeting of a committee that relate to the discharge of functions delegated to it by the council shall, at all reasonable times, be open to the inspection of any interested person, except that, the provisions of this subsection shall not apply to the minutes of any proceedings the disclosure of which is deemed by the committee to be prejudicial to the public interest.

Delegation of meetings of councils to committee

14. (1) Subject to the other provisions of this paragraph, a council may delegate, either absolutely or conditionally, to a committee or to any officer of the council the power to discharge any function of the council on behalf of the council.

(2) A local authority shall not—

(a) delegate the power to discharge any functions of the council to a committee which includes persons who are not councillors; or

(b) delegate to any committee the power to—

(i) levy a rate;

(ii) adopt estimates of the revenues and expenditure of the council;

(iii) borrow money;

(iv) impose fees and charges;

(v) to make by laws; or

(vi) in the case of a city council or municipal council, to make appointments to the dignity of alderman or to admit or annul the admission of a person to the status of honorary freeman of the city or municipality.

(3) A council may withdraw or alter any delegation to a committee, but the withdrawal or alteration shall not affect anything done in pursuance of any decision lawfully taken by the committee.

(4) Any function discharged by a committee in the exercise of powers delegated to it under this paragraph shall be deemed to have been discharged by the council.

Reports by committees

15. At one of the next two ordinary meetings of a council held after a meeting of a committee, the proceedings at the meeting of the committee shall be reported to the council for its consideration or, in the case of proceedings which relate to the discharge of functions delegated to the committee, for its information.

Sub-committees

16. (1) A committee may, from among its members, appoint sub-committees for the purpose of examining and reporting on any matter.

(2) Subject to the provisions of the standing orderss of a council, a sub-committee shall determine its own procedure.

(3) A sub-committee shall not discharge any functions of the council which have been delegated to the committee by which it was appointed.

Immunity

17. An officer or employee of a council is not personally liable in respect of any act done by the person in the execution of this Act or any other law and within the scope of the person's employment, if the person did that act in the honest belief that the person's duty under this Act or that law required or entitled the person to do it, except, that nothing in this section shall be construed as relieving a council from any liability in respect of acts of its officers or employees.

FOURTH SCHEDULE
(*Section* 36 (8))
WARD DEVELOPMENT COMMITTEE

Proceedings of Ward Development Committee meetings

1. (1) A Ward Development Committee shall meet at least once every quarter of each financial year.

(2) Subject to the other provisions of this Act, the Ward Development Committee may regulate its own procedure.

Tenure of office for Ward Development Committee and vacancy

2. (1) A member of the Ward Development Committee shall hold office for a term of two and a half years and may be re-appointed for one further term of two and a half years on terms and conditions that may be specified in the instrument of appointment.

(2) On the expiration of the terms for which a member is appointed, the member shall continue to hold office until another member is appointed, but in no case shall any extension of the period exceed three months.

(3) The election of a Ward Development Committee shall be held within two months after the general elections.

(4) The office of a member of a Ward Development Committee shall be vacant if a member—

(a) dies;

(b) is legally disqualified from discharging the functions of office;

(c) is removed by the Council for misconduct;

(d) resigns;

(e) ceases to be a resident of a ward; and

(f) other than a councillor, engages in active politics.

(5) The tenure of a ward Development Committee shall lapse on the dissolution of the National Assembly.

By-elections

3. Where a vacancy occurs in the office of a Ward Development Committee, a by-election shall be held at the next meeting of the Committee.

No remuneration for the members of ward development committees

4. A member of a Ward Development Committee who attends meetings and activities of the Ward Development Committee shall attend that meeting or activity on a voluntary basis and shall not be entitled to payment of any allowances or fees.

Sub-committees

5. (1) A committee may, from among its members, appoint sub committees for the purpose of examining and reporting on any matter.

(2) Subject to the provisions of the standing orders of a council, a sub-committee shall determine its own procedure.

(3) A sub-committee shall not perform any functions of the council which have been delegated to the committee by which it was appointed.

FIFTH SCHEDULE
(*Section* 53)

CODE OF ETHICS

Paragraph

1. Interpretation
2. Application
3. Compliance with written law
4. Fundamental rights and freedoms
5. Professionalism
6. Councillor civil duties and responsibilities
7. Council meetings
8. Confidentiality
9. Councillor not to acquire pecuniary advantage
10. Declaration of assets, liabilities and income
11. Registration of declarations of interest and of assets
12. Collective responsibility of councillors
13. Declaration deemed to be statutory declarations
14. Complaints against councillor
15. Appeal by councillor
16. Local Government Code of Ethics Tribunal
17. Payment of fees, remuneration or expenses

SCHEDULE—Offences and Penalties

Interpretation

1. In this Code, unless the context otherwise requires—

" Code " means the Code of Ethics;

" Principal Officer " means the chief executive officer of a council including any person for the time being discharging the functions of a chief executive officer; and

" Tribunal " means a Tribunal constituted under section 55 of the Act.

Application
Cap. 1

2. Subject to the Constitution, this Code applies to councillors.

Compliance with written law

3. A councillor shall comply with this Code, the Act and any other applicable law.

Fundamental rights and freedoms

4. (1) A councillor shall, in carrying out duties, respect, protect and promote the fundamental rights and freedoms of persons without discrimination on the basis of race, tribe, political opinions, colour, creed, sex, disability, social status or culture.

(2) A councillor shall not be a member of an organisation that promotes or practices discrimination on a basis set out in sub paragraph (1).

Professionalism

5. (1) A councillor who is a member of a professional body shall, in addition to this Code, maintain the professional competence and ethics of that councillor's responsible professional body.

(2) A councillor shall not behave in a manner likely to suggest that the councillor can be improperly influenced.

Councillor civil duties and responsibilities

6. A councillor shall, in the exercise of the councillor's civic duties and responsibilities

(a) act in good faith;

(b) behave in an honest and transparent manner;

(c) act in the best interest of a local authority and uphold the integrity and credibility of the local authority; and

(d) ensure that official duties take precedence over other duties.

Council meetings

7. A councillor shall attend council meetings and committee meetings where a councillor is a member.

Confidentiality

8. (1) A councillor shall maintain the confidentiality of information concerning council property, staff or legal matters.

(2) A councillor shall not disclose confidential information for that councillor's council, except as may be required by law.

Councillor not to acquire pecuniary advantage

9. A councillor shall not, in the exercise of that councillor's duties, acquire pecuniary advantage, or assist in the acquisition of pecuniary advantage by another person.

Declaration of assets, liabilities and income

10. (1) A councillor shall declare to a Chief Resident Magistrate in the area, on assuming office and on an annual basis that councillor's—

(a) shareholding in a company;

(b) interest in any trust;

(c) directorships held in a company;

(d) existing partnerships;

(e) beneficial ownership in a body corporate;

(f) annual income from each source; and

(g) value of assets and liability as at the declaration date.

(2) The declaration shall cover the period commencing twelve months prior to the current term of office.

(3) A councillor shall notify the Principal Officer where the details under subparagraph (1) change.

Act No. 3 of 2012

(4) Subject to the Anti-Corruption Act, 2012, a councillor shall declare to the Chief Resident Magistrate, gifts received by a councillor in the performance of that councillor's duties.

Registration of declarations of interest and of assets

11. (1) The Chief Resident Magistrate shall on receiving a declaration of interest and assets under paragraph 11 cause the particulars of the declaration to be entered in a Register.

(2) The Register shall be kept and maintained by the Chief Resident Magistrate in the prescribed manner and form and shall be available for inspection by members of the public at all reasonable times at a prescribed fee.

Collective responsibility of Councillors

12. A councillor shall not do anything that is inconsistent with the principle of the collective responsibility of councillors for the conduct of council affairs, and in particular shall not—

(a) publicly contradict or disassociate oneself from any resolution adopted by Council;

(b) issue public statements criticising another councillor; or

(c) make unauthorised disclosures of council discussions, resolutions or documents.

13. A declaration made under paragraph 11 is a statutory declaration for the purposes of the Constitution and the Act.

Declaration deemed to be statutory declarations Cap. 1

14. (1) A person who has reasonable grounds to believe that a councillor has breached this Code may lodge a complaint with the Principal Officer.

Complaint against councillor

(2) The Principal Officer shall, on receipt of a complaint submitted under this paragraph refer the complaint to the council.

(3) The council shall constitute an *ad hoc* committee to investigate the alleged breach of this Code by a councillor and present a report within ninety days of the date of constituting the ad hoc committee.

(4) If the ad hoc committee finds that a councillor breached a provision of this Code, the committee may recommend the imposition of penalties as set out in the Schedule.

(5) A recommendation to remove a councillor from office shall be referred to a Tribunal appointed by the Chief Justice.

15. (1) A councillor who is aggrieved by the decision of the council, may within fourteen days of the decision appeal to the Minister.

Appeal by councillor

(2) The Minister shall determine the appeal within thirty days of receipt of the appeal.

(3) Where a councillor is aggrieved by the decision of the Tribunal, the councillor may appeal to the Local Government Elections Tribunal.

16. The Chief Justice shall make rules for the functions, composition, appointment of members, tenure of office of members, procedures and jurisdiction of the *ad hoc* Local Government Code of Ethics Tribunal.

Local Government Code of Ethics Tribunal

17. Any fees, remuneration or expenses payable in respect of the Tribunal under this Act shall be paid out of the funds appropriated by Parliament for the purposes of enforcement of this Code.

Payment of fees, remuneration or expenses

SCHEDULE OF OFFENCES AND PENALTIES
(*Paragraph* 14 (4))

No.	*Offence*	*Penalty*		
		1st	2nd	3rd
1.	Failure to attend meetings	Reprimand	Severe reprimand	Refer to Tribunal
2.	Failure to attend full session of meetings	Forfeit sitting and subsistence allowance	Forfeit sitting and subsistence allowance and reprimand	Suspension up to a maximum of six months
3.	Violent behavior in meetings	Suspension up to maximum of six months	Refer to Tribunal	
4.	Disregarding ruling of the Chairperson	Ejection from meeting and no sitting and subsistence allowance	Ejection from meeting with reprimand and no sitting and subsistence allowance	Suspension up to maximum of six months and non-payment of monthly allowance
5.	Abusive language in a meeting	Suspension up to maximum of six months	Refer to Tribunal	
6.	Failure to participate in National and council programs	Reprimand	Severe reprimand	Suspension up to maximum of six month
7.	Failure to disclose interest in a matter before a meeting	Refer to Tribunal - vacation of office		
8.	Failure to register financial interests	Refer to Tribunal - vacation of office		
9.	Abuse of position or privileges	Suspension	Refer to Tribunal - vacation of office	
10.	Disclosure of confidential information	Severe reprimand	Suspension up to maximum of six months	Refer to Tribunal - vacation of office
11.	Gaining pecuniary advantage	Severe reprimand	Suspension up to maximum of six months	Refer to Tribunal - vacation of office
12.	Accepting bribes, commissions, fees, advances, gifts, rewards	Refer to Tribunal - vacation of office		
13.	Misuse of council property	Reprimand	Suspension up to maximum of six months	
14.	Dishonest and unethical behaviour	Reprimand	Suspension up to maximum of six months	
15.	Lowering the integrity of a local authority	Reprimand	Suspension up to maximum of six months	
16.	Bias or impartial service	Reprimand	Suspension up to maximum of six months	
17.	Disrespect to councillors and staffs	Reprimand	Suspension up to maximum of six months	