

THE LOCAL GOVERNMENT BILL, 2019

MEMORANDUM

The objects of this Bill are to—

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

A. MWANSA,
Solicitor-General

N.A.B. 2, 2019
13th February, 2019

THE LOCAL GOVERNMENT BILL, 2019

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

ESTABLISHMENT AND CONSTITUTION OF COUNCILS

3. Establishment of councils
4. Cities
5. Changes affecting districts
6. Incorporation of local councils
7. Corporate name of local council
8. Seal
9. Functions of mayor or council chairperson
10. Election of deputy mayor or deputy council chairperson
11. Tenure of office of deputy mayor or deputy council chairperson
12. Oaths
13. Discharge of functions of mayor or council chairperson during vacancy or absence
14. Validity of discharge of functions
15. Meetings and proceedings of councils

PART III

FUNCTIONS

16. Functions of local authority
17. General provision with respect to discharge of functions
18. Power of Minister to confer additional functions on local authority
19. Contracts
20. Standing orders

21. Acquisition of land
22. Acceptance of gifts of property
23. Disposal of property
24. Grants and loans by local authority
25. Imposition of levies
26. Procedures and criteria for licensing
27. Imposition of other fees and charges
28. Allowances
29. Aldermen
30. Freemen

PART IV

**FUNCTIONS OF THE CENTRAL GOVERNMENT IN RELATION TO
LOCAL GOVERNMENT**

31. Functions of Central Government
32. Functions at provincial level
33. Technical support
34. Guidance by Minister to local authority
35. Local authority to furnish Minister with information

PART V

WARD DEVELOPMENT COMMITTEES

36. Establishment of Ward Development Committee
37. Functions of Ward Development Committee
38. Ward Development Executive Committee
39. Dissolution of Ward Development Committee

PART VI

FINANCE

40. Financial year
41. Budget
42. General and special funds
43. Bank accounts
44. Accounts
45. Annual Report
46. Investment of funds

- 47. Administration of Equalisation Fund
- 48. Authority to borrow and modes of borrowing
- 49. Authority for borrowing and receipt of fund
- 50. Security for borrowing and priorities of securities
- 51. Suspension of repayment of sums borrowed
- 52. Lenders relieved from certain inquiries

PART VII

CIVIC DUTIES AND RESPONSIBILITIES

- 53. Civic duties and responsibilities
- 54. Constitution of Tribunal
- 55. Declaration of assets
- 56. Suspension of councilors
- 57. Revocation of appointment order

PART VIII

BY-LAWS AND REGULATIONS

- 58. Power to make by-laws
- 59. Language of by-laws
- 60. Penalties
- 61. Notice of by-laws and objection thereto
- 62. Confirmation of by-laws
- 63. Power of Minister to amend or revoke by laws
- 64. Power to make regulations
- 65. Application of regulations
- 66. Regulations to prevail over by-laws or standing orders
- 67. References in other laws

PART IX

GENERAL PROVISIONS

- 68. Provincial Local Government Officer
- 69. General offences
- 70. Inspection of documents
- 71. Public notice
- 72. Service of documents

- 73. Legal proceedings
- 74. Evidence
- 75. Powers of arrest
- 76. Validity of discharge of functions by officers and employees of council
- 77. Powers of Minister to approve, confirm or determine matters
- 78. Inquiries
- 79. Authority to issue guidelines
- 80. Regulations
- 81. Repeal of Cap. 281
- 82. Savings and transitional provisions

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE