



LESOTHO
Government Gazette
EXTRAORDINARY

Vol. XLII

Thursday — 3rd July, 1997

No. 41

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No.

ACT

6 Local Government Act 199~~6~~⁷

Published by the Authority of His Majesty the King
Price: M6.60

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„minister” means the Minister to whom the subject of Local Government has been assigned;

“property” means any house, building or other erection as well as fixtures thereto and improvements to, in, over or under land which is held by an owner or any person holding for that owner and includes the owner’s legal interest in that land;”

“rule” means a rule made by the Minister under section 66; and

“town clerk” means the officer appointed by the Local Government Service Commission to be or to Act for the time being as the Town Clerk of a Urban or Municipal Council.

Power to declare Community, Rural, Urban and Municipal Councils

3. (1) The Minister may by notice published in the gazette-
- (a) declare
 - (i) any area, having the characteristics or requirements prescribed for the purpose, to be a Community Council;
 - (ii) any area, having the characteristics or requirements prescribed for the purpose, to be a Rural Council;
 - (iii) any area, having the characteristics or requirements prescribed for the purpose, to be an Urban Council;
 - (iv) any area, having the characteristics or requirements prescribed for the purpose, to be a Municipal Council;
 - (b) define each area so declared; and
 - (c) assign a name to such Council.

(2) A declaration under subsection (1) may be made by the Minister in respect of two or more areas jointly, notwithstanding that such areas are not contiguous; and the areas in respect of which any such declaration is made shall accordingly be deemed to constitute jointly one single Council for all purposes of this Act.

Composition of Councils

4. In accordance with the provisions of this Act there shall be constituted the following Councils:
- (a) a Community Council shall consist of not less than 9 elected members but not exceeding 15 elected members and not exceeding 2 gazetted chiefs (other than principal chiefs) who shall also be elected;
 - (b) an Urban Council shall consist of not less than 9 elected members but not exceeding 13 elected members and not exceeding 2 gazetted chiefs (other than principal chiefs) who shall also be elected;
 - (c) a Municipal Council shall consist of not less than 11 elected

members but not exceeding 15 elected members and not exceeding 3 gazetted chiefs (other than principal chiefs) who shall also be elected; and

- (d) a Rural Council shall consist of not less than 37 members but not exceeding 45 members representing each of the Community Councils, within its jurisdiction as follows:-
- (i) the Chairman of a Community Council;
 - (ii) a member of a Community Council elected by the Councillors from amongst them; and
 - (iii) three gazetted chiefs, (other than principal chiefs) who are members of a Community Council and elected from amongst the chiefs who are members of a Community Council.

2. The total number of members of the council including elected chiefs in any council shall be an odd number.

Functions of Local Authorities

5. (1) Subject to sub-section (2), every local authority shall, subject to the powers reserved to or vested in any other authority by this Act, or by any other written law, be the authority, within its administrative limits, charged with the regulation, control and administration of all matters as set out in the First Schedule.

(2) A Community Council shall perform those subject and functions as specified in the Second Schedule.

Electoral Divisions

6. (1) The area for which a Local Authority is to be constituted under this Act, shall be divided by the Minister by Notice published in the gazette into the following electoral divisions:-

- (a) a Community Council shall consist of not less than 9 electoral divisions but not exceeding 15 electoral divisions which shall be constituted only within the jurisdiction of a Rural Council area;
- (b) an Urban Council shall consist of not less than 9 electoral divisions but not exceeding 13 electoral divisions; and
- (c) a Municipal Council shall consist of not less than 11 electoral divisions but not exceeding 15 electoral divisions.

(2) In the case of a Rural Council that may be declared by the Minister under section 3, such Council shall consist of not less than 17 Community Councils but not exceeding 21 Community Councils.

Arrangements preliminary to constitution of councils

7. For the purpose of any preliminary arrangements in connection with the constitution of any Council under this Act, it shall be lawful for the Minister, by Notice published in the Gazette, to issue all such directives as may be necessary or expedient.

Election and Term of Office of Councillors.

Local Government election of Councillors

8. Where a Council is to be constituted for any area under this Act, a local government election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing the first Councillors of that Council.

Commencement of term of office of Council and date of constitution of such Council

9. The term of office of each Council to be constituted under this Act shall commence on such date as the Minister may appoint by Notice published in the gazette, and the Council shall be deemed to be constituted on that date notwithstanding that the full number of Councillors specified under section 4 may not have been duly elected.

Term of office of Councillors

10. The term of office of each Councillor elected at a Local Government election shall be for a period not exceeding five years from the date of election, but in the case of a by-election the member elected shall serve for the period remaining up to the next Local Government election.

Refusal or vacation or resignation of office

11. (1) Where any person elected as a Councillor of a local authority decides for any reason not to serve as a Councillor thereof, he may tender:-

- (a) a written communication of his refusal of office addressed to the Elections Officer at any time before the date fixed for the first meeting of the Council to be held after it is elected; or
- (b) a written communication of his resignation of office addressed directly to the Mayor or Chairman at any time after such meeting,

and such refusal or resignation of office of a Councillor shall have no effect until such resignation has been accepted by the Elections Officer or the Mayor or Chairman, as the case may be, who shall refuse to accept such resignation, if there is any enquiry or investigation pending against such Councillor.

(2) Where the Elections Officer or the Mayor or Chairman, as the case may be, accepts the refusal or resignation of office under the preceding provisions of this section he shall send a written communication to that effect to the Town Clerk or the Council Secretary.

(3) Any Councillor who, without leave of the Council first obtained, fails to attend three consecutive general meetings of the Council, shall ipso facto vacate his office.

Filling of casual vacancies

12. Where any Councillor refuses or resigns his office or dies, or vacates his office under section 11, or if a casual vacancy occurs in any other manner in such office the Mayor or the Chairman, as the case may be, shall send or cause to be sent a written communication to the Elections Officer for the local authority, upon receipt of such communication a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of filling such vacancy and the person so elected shall hold office until the expiry of the term of office of the Councillors elected at the last preceding Local Government election.

Part II**Meetings and Conduct of Business and Election of Mayor, Deputy Mayor
Chairman and Vice-Chairman****First meeting and election of Mayor, Deputy Mayor, Chairman and
Vice-Chairman**

13. (1) As soon as may be after the term of commencement of the term of office of the Councillors elected at any general election of a Council, the Minister shall, cause to be convened the first meeting of the Council by notice.

(2) The notice under subsection (1) shall, at least five days before the date fixed for the meeting, be dispatched by registered post or delivered to each elected Councillor.

(3) Every notice under subsection (1) shall specify the date, time and place of the meeting and the date specified shall be within a period of one month of the date of commencement of the term of office of the Councillors elected at the general election of the Council.

(4) Where for any reason the meeting is not held on the date specified in the notice under subsection (1), the Minister, may by such further notice, cause to be convened the meeting for any other date, but so however that such other date shall be within the period of one month prescribed in subsection (3).

(5) At the meeting convened under subsection (1) or subsection (4), the Councillors shall in the case of a Municipal Council elect one of their members to be, the Mayor and another member to be the Deputy Mayor, and in the case of a Community, Rural, and an Urban Council elect one of their members to be the Chairman and another member to be the Vice-Chairman.

(6) Whenever the office of Mayor, Deputy Mayor, Chairman or Vice-Chairman falls vacant in any manner other than by the removal of Mayor, Deputy Mayor, Chairman, or Vice-Chairman under section 16, information of the occurrence of the vacancy shall forthwith be given to the Elections Officer for the local authority in writing by the Town Clerk in the case of a Municipal or an Urban Council, and in the case of a Community or Rural Council by the Council Secretary. Upon receipt of such information the Elections Officer shall proceed to fill the vacancy in the manner prescribed under section 14.

Mode and manner of election of Mayor, Deputy Mayor, Chairman, or Vice-Chairman

14. (1) Any Councillor may, with his consent be proposed and seconded for election as Mayor, Deputy Mayor, Chairman or Vice-Chairman and the Councillors present shall thereupon elect in accordance with the provisions of subsection (2), a Mayor, Deputy Mayor, Chairman or Vice-Chairman from amongst the Councillors proposed and seconded for election as Mayor, Deputy Mayor, Chairman or Vice-Chairman.

(2) Where only one candidate is proposed and seconded for election as Mayor, Deputy Mayor, Chairman or Vice-Chairman, the Elections Officer presiding at the meeting, at which the election takes place, shall without question declare that candidate to be elected.

(3) Where two or more candidates are proposed and seconded for election as Mayor, Deputy Mayor, Chairman or Vice-Chairman the mode of election shall be by secret ballot and by a simple majority.

Term of office and functions of Mayor, Deputy Mayor, Chairman and Vice-Chairman

15. (1) A Mayor, Deputy Mayor, Chairman or Vice-Chairman shall, unless he earlier resigns or is removed from that office or vacates the office of Councillor, hold office until the date on which his term of office as Councillor is due to expire.

(2) The Mayor or Chairman shall be:-

- (a) the elected head of the Council;
- (b) responsible for giving policy directives to the Town Clerk and the Council Secretary, as the case may be; and
- (c) subject to section 18 preside at all meetings of the Council.

(3) In the exercise, performance and discharge of the powers, duties and functions conferred or imposed on or assigned to him under the Act the Mayor, Deputy Mayor, Chairman or Vice-Chairman shall be subject to the general or special directions of the Council.

(4) The Mayor or Chairman or the Deputy Mayor or the Vice-Chairman may, in writing, delegate to a Councillor, Town Clerk, Council Secretary or any officer of the Council any of the powers, duties or functions conferred or imposed or vested in the Mayor or Deputy Mayor, Chairman or Vice-Chairman by this Act or any other written law.

(5) The Mayor, Deputy Mayor, Chairman or Vice-Chairman may, at any time without vacating his office as a Councillor, resign the office of Mayor, Deputy Mayor, Chairman or Vice-Chairman by a written communication addressed to the Minister. The resignation of the Mayor, Deputy Mayor, Chairman or Vice-Chairman of his office shall have no effect until such resignation has been accepted by the Minister, as the case may be, who shall refuse to accept such resignation, if there is any inquiry or investigation pending against such Mayor, Deputy Mayor, Chairman or Vice-Chairman.
