

LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT

Act 1 of 1974 – 23 December 1971

ARRANGEMENT OF SECTIONS

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LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT

1. Short title

This Act may be cited as the Local Government (Temporary Provisions) Act.

2. Interpretation

In this Act—

“Chairperson” means the Chairperson of a commission;

“commission” means a commission appointed under section 3;

“committee” means a committee appointed under section 4;

“Councillor” has the same meaning as in the Local Government Act;

“local authority” has the same meaning as in the Local Government Act;

“member” means a member of a commission and includes the Chairperson and the Vice-Chairperson;

“Minister” means the Minister to whom responsibility for the subject of local government is assigned;

“sub-committee” means a sub-committee appointed under section 4.

[S. 2 amended by s. 165 (10) (a) of Act 36 of 2011 w.e.f. 15 December 2011.]

3. Appointment of commissions

(1) The Minister may, by regulations, suspend a local authority and appoint in its place a commission consisting of such members as may be specified in the regulations.

(2) Regulations made under subsection (1) shall provide that one member shall be the Chairperson and one other member shall be the Vice-Chairperson.

(3) The members shall hold office for such term and on such conditions as the Minister may determine.

(4) No member shall be deemed to be the holder of a public office by reason of his appointment.

4. Powers and duties

(1) Subject to subsection (2), a commission and its members appointed to replace a local authority and its councillors shall have and exercise all the rights, privileges and powers and perform all the duties which, under any other enactment, are vested in or imposed on the local authority or the Councillors.

(2) A commission may, with the Minister's approval—

- (a) regulate its meetings and proceedings, and determine its quorum;
- (b) appoint committees or sub-committees, consisting of such number of its members as it thinks fit;
- (c) regulate the meetings and proceedings, and determine the quorum, of any committee or sub-committee;
- (d) delegate to a committee or sub-committee, with or without condition or restriction, any of its powers other than the power to levy rates or borrow money.

5. Loans

(1) A commission may borrow from Government such sums as it may require on such terms and conditions as the Minister to whom responsibility for the subject of finance is assigned thinks fit.

(2) Where a commission has raised a loan under subsection (1), it shall comply with such direction as the Minister may give in relation to the management of its finances.

(3) The Minister to whom responsibility for the subject of finance is assigned may, by registered letter and without any further formality, require a commission to reimburse forthwith any loan made under subsection (1) if, in his opinion, the commission has failed to comply with any term, condition or direction imposed under this section.

(4) A loan made under subsection (1) shall not be subject to registration duty.

6. Rates and taxes

(1) A commission may, in the same manner as the local authority which it replaces, raise and levy any rate, tax, fee or charge provided for in any other enactment.

(2) Nothing in this section shall affect the powers of a local authority or a commission to make or amend any regulation of a kind specified in subsection (1).

7. Charges of administration

(1) Subject to subsection (2), all expenses incurred by a commission in the performance of its functions shall be a charge on and paid out of the revenues of the local authority which it replaces or of the commission.

(2) The Minister may pay such allowances as he thinks fit to a member and every allowance shall be a charge on the Consolidated Fund.

8. Termination of appointment

(1) Subject to subsection (5), the Minister may, by regulations, terminate the appointment of a commission.

(2) Where the Minister terminates the appointment of a commission, the regulations shall, unless another commission is appointed in its stead, make provision for the election of Councillors to the suspended local authority which that commission replaced.

(3) Regulations made under subsection (1) may, notwithstanding this Act or the Representation of the People Act—

- (a) fix a date for the nomination of candidates, the election, the poll and the return of Councillors;
- (b) subject to subsection (4), fix the term of office of the Councillors to be elected;
- (c) amend section 11 (2) of the the Local Government Act for the purpose of determining the date of the next general election of Councillors following that specified in the regulations.

(4) A term of office fixed under subsection (3) (b) shall not exceed 6 years.

(5) The members shall continue to hold office until the day following the date on which Councillors are returned at an election held under regulations made under subsection (1).

[S. 8 amended by s. 165 (10) (b) of Act 36 of 2011 w.e.f. 15 December 2011.]

