

Local Government (Amendment) Act, 2004.



THE GAMBIA

NO. 8 OF 2004.

Assented to by The President,
this 26th day of April 2004.



A BILL ENTITLED

AN ACT to amend the Local Government Act, 2002 and for other matters connected therewith.

Yahya A. J. Jammeh
YAHYA A. J. JAMMEH
President.

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ENACTED by the President and the National Assembly.

1. This Act may be cited as the Local Government (Amendment) Act, 2004.
2. In this Act, "principal Act" means the Local Government Act, 2002.

Amendment of section 15

3. Section 15 of the principal Act is amended, in subsection (1), by deleting the words "shall be the political head of the Local Government Area and"

Amendment of section 16

4. Section 16 of the principal Act is amended, in subsection (1), by inserting immediately before the word "Councillors", the word "elected".

Amendment of section 19

5. Section 19 of the principal Act is amended, in subsection (1), by substituting for paragraph (e), the following new paragraph-

"(e) if he or she is removed from office under section 20 or 22 of this Act; or"

Amendment of section 20

6. Section 20 of the principal Act is amended-

(a) in the side note and in subsection (1), by inserting immediately after the word "Chairperson", a comma and the words "Deputy Chairperson or other member of a Council";

(b) by substituting for subsections (2), (3), (4) and (5) the following new subsections-

"(2) For the purpose of removing the Chairperson, Deputy Chairperson or other member of a Council under subsection (1) of this section, a notice in writing signed by not less than two-thirds of all members of the Council shall be submitted to the Deputy Chairperson, in the case of the removal of the Chairperson, and to the Chairperson in the case of the removal of the Deputy Chairperson or any other member of the Council-

(a) stating that they intend to pass a resolution to remove the Chairperson, Deputy Chairperson or other member of the Council, as the case may be, on any of the grounds set out in subsection (1);

(b) setting out, in the case of removal under subsection (1), other than paragraph (d), the particulars of the charge, supported by necessary documents, where applicable, on which it is claimed that the conduct of the Chairperson, Deputy Chairperson or other member of the Council, as the case may be, be investigated for the purpose of removal.

(3) The Chairperson or Deputy Chairperson as the case may be, shall, within twenty-four hours after receipt of the notice referred to him or her under subsection (2), cause a copy of the notice to be transmitted to the Secretary of State.

(4) The Secretary of State shall, on receiving the notice under subsection (3), or following any finding of irregularity that concerns any action of, or omission by the Chairperson, Deputy Chairperson or other member of the Council by a commission of enquiry instituted under section 151 of this Act-

(a) suspend the Chairperson, Deputy Chairperson or other member of the Council concerned, in which case-

(i) the Deputy Chairperson shall act as Chairperson, and

(ii) a Councillor, appointed by the members of the Council from among the elected Councillors, shall act as Deputy Chairperson;

(b) investigate the allegations contained in the notice; and

(c) report its finding to the President, stating whether or not there is a case for the removal of the Chairperson, Deputy Chairperson, or other member of the Council concerned.

(5) The Chairperson, Deputy Chairperson, or other member of the Council who is to be removed from office may, within thirty days of his or suspension from office under subsection (4), make representations to the President.;

(c) in subsection (6), by substituting for the word "Tribunal", the word "President" and by inserting immediately after the word "Chairperson" wherever it occurs, a comma and the words "Deputy Chairperson or other member of the Council, as the case may be";

(d) in subsection (7), by inserting immediately after the word "Chairperson", a comma and the words "Deputy Chairperson or other member of the Council, as the case may be," and inserting immediately before the word "Deputy Chairperson", the words "Chairperson or";

(e) in subsections (8), by substituting for the words "Chief Justice", the words "Secretary of State"

(f) in subsections (8)(a), (9), (10), (11) and (12), by inserting immediately after the word "Chairperson" wherever it occurs, a comma and the words "Deputy Chairperson or other member of Council, as the case may be";

(g) in subsection (12), by inserting immediately before the word "Deputy Chairperson" wherever the words occur, the words "Chairperson or";

(h) in subsection (13), by deleting the words "Tribunal and".

Amendment of section 21

7. Section 21 of the principal Act is amended-

(a) in subsection (1), by inserting immediately after the word "Chairperson", a comma and the words "Deputy Chairperson or other member of the Council";

(b) by substituting for the words "Court Appeal" wherever they occur, the words "High Court."

Amendment of section 24

8. For section 24 of the principal Act, there hereby substituted the following new section-

"Emoluments and benefits of Chairperson

24. Except as provided by this Act or any other Act of the National Assembly, a Chairperson shall not be entitled to receive any other emolument or benefit whatsoever from the revenues of the Council."

Amendment of section 27

9. Section 27 of the principal Act is amended by inserting immediately after the word "its", the words "Deputy Chairperson and other elected or nominated"

Insertion of new section 27A

10. There is hereby inserted immediately after section 27 of the principal Act, the following new section-

"Travelling outside The Gambia

27A. No Chairperson, Deputy Chairperson or other member of the Council shall travel out of The Gambia without the prior approval of the Secretary of State."

Amendment of sections 34 and 37

11. Sections 34 and 37 of the principal Act are amended by inserting immediately after the word "Establishment" wherever it occurs, the words "and Appointment".

Amendment of section 44

12. Section 44 of the principal Act is amended, in subsection (3), by substituting for the word "Chairperson", the word "Council".

Amendment of section 123

13. Section 123 of the principal Act is amended-

(a) by substituting for subsection (1), the following new subsection-

"(1) Except for the City of Banjul, there shall be, for each Local Government Area, an Area Administrator who shall be a senior officer, not below the rank of a Director, in the civil service appointed by the President."

(b) in subsection (2), by deleting the words "City of Banjul and".

Amendment of section 124

14. Section 124 of the principal Act is amended in subsection (1)(c) and (d) and (2)(a), by substituting for the word "Chairperson", the word "Secretary of State."

Amendment of section 131

15. Section 131 of the principal Act is amended by inserting immediately after subsection (2), the following new subsection-

"(3) Notwithstanding subsections (1) and (2) of this section or any other law, a Council may also make and levy rates on flat-rate basis outside of a valuation list."

Amendment of section 149

16. Section 149 of the principal Act is amended by-

(a) deleting the word "and" at the end of paragraph (b);

(b) substituting for the full-stop at the end of paragraph (c), a semi-colon; and

(c) inserting immediately after paragraph (c) as amended, the following paragraphs-

"(d) monitoring and supervision of the operations of Local Governments and their compliance with all laws, regulations and national policies and guidelines; and

(3) ensure transparency, accountability and compliance."

17. (1) Section 151 of the principal Act is amended by substituting for subsection (2), the following new subsection-

"(2) Where the Council fails to address the irregularities referred to in subsection (1), or to follow the guidance of the Secretary of State, or the Secretary of State considers that the matter is of a grave nature, the Secretary of State may do any or all of the following-

(a) institute a commission of inquiry to look into the matter;

(b) impose expenditure ceilings, or other financial measures, if the irregularity relates to any financial mismanagement, for such periods, as he or she may deem necessary;

(c) make recommendations to the Council for the removal of any member of the Council, including the Chairperson, if the irregularity concerns any actions or omissions of the member; or

(d) give such other directions as the Secretary of State may think appropriate to deal with the situation and the Council shall comply accordingly."

PASSED in the National Assembly this
in the year of Our Lord Two Thousand and Four

6th day of April

M. S. JALLOW
Clerk of the National Assembly

THIS PRINTED IMPRESSION has been carefully compared by me with the original which was passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.

M. S. JALLOW
Clerk of the National Assembly