

LOCAL GOVERNMENT AMENDMENT BILL, 2003

Act No. 5 of 2002	A BILL ENTITLED an Act to amend the Local Government Act, 2002.
Short title.	ENACTED by the President and the National Assembly. 1. This Act may be cited as the Local Government (Amendment) Act, 2003.
Section 13 amended.	2. Section 13 of the Local Government Act, 2002 (referred to hereafter as the “Principal Act” is hereby amended by: (a) repealing and replacing subsection (1) with the following: “13. (1) The Chairperson of a City Council, Municipal Council, and such Area Council as the President shall, by Order published in the Gazette declare, be elected by universal adult suffrage of all eligible voters in the Local Government Area.” (b) renumbering subsection (2) and (3) subsection (3) and (4) respectively and inserting the following new subsection (2): “(2) Unless otherwise declared by the President under subsection (1), the Chairperson of an Area Council shall be elected by the members of the Council from among their number.”
Section 15 amended.	3. Section 15 of the Principal Act is amended by deleting the words “shall be the political head of the Local Government Area and” appearing in subsection (1).
Section 16 amended.	4. Section 16 of the Principal Act is amended by: (a) inserting the word “elected” immediately before the word “Councillors” appearing in line two of subsection (1). (b) inserting the words “ and a Chairperson of an Area Council when such Chairperson is to be elected from among the Councillors” immediately after the words “Deputy Chairperson” appearing in line one of subsection (2).

Section 19 amended.

5. Section 19 is amended by replacing paragraph (e) of subsection (1) with the following:

“(e) if he or she is removed from office under sections (20) and (22) of this Act.”

Section 20 amended.

6. Section 20 of the Principal Act is amended by:

(a) inserting the words “Deputy Chairperson or other Member of a Council” immediately after the word “Chairperson” appearing in first line of subsection (1).

(b) deleting the word “or” appearing at the end of paragraph (c) of subsection (1);

(c) by repealing and replacing subsection (2) with the following new subsection:

“(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-

(d) by adding the words “or Deputy Chairperson or other Member of the Council, as the case may be,” immediately after the word “Chairperson” in second line of paragraph (a);

(e) by adding the words “or Deputy Chairperson or other Member of the Council, as the case may be,” immediately after the word “Chairperson” in fifth line of paragraph (b);

(f) by replacing subsection (3) with the following:

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

- (g) repealing and replacing subsections (4), and (5) with the following new subsections:

“(4) The Secretary of State shall, on the receipt of the notice under subsection (3) or following any findings of impropriety against the Chairperson by a commission of inquiry instituted under section 151 of this Act,

- (a) suspend the Chairperson, Deputy Chairperson or Member of the Council concerned;
- (b) in the case of the Chairperson and Deputy Chairperson, also close their Offices;
- (c) investigate the allegations contained in the notice; and
- (d) report its findings to the President, stating whether or not there is a case for the removal of the Chairperson, Deputy Chairperson, or Member of the Council concerned.

(5) The Chairperson, Deputy Chairperson or Member of the Council to be removed under this section shall be entitled to make representations to the President within thirty days of his or her suspension from office under subsection (4).”

- (h) replacing the word “Tribunal” with “President” appearing in the first line of subsection (6).
- (i) inserting the words “Deputy Chairperson or Member of a Council” immediately after “Chairperson” appearing in the first line of subsection (7) and the word “Chairperson” before “Deputy Chairperson” on the third line thereof; and
- (j) replacing “Chief Justice” with “Secretary of State” in subsection (8);
- (k) adding the words “Deputy Chairperson or Member of the Council, as the case may be,” after the word

“Chairperson” wherever it appears in subsections (8) (a), subsection (9), (10) and (11).

- (l) inserting the words “Chairperson or” immediately before the word “Deputy Chairperson” appearing in the first line of subsection 12.
- (m) deleting the words “Tribunal and” from the first line of subsection (13).

Section 21 amended.

7. Section 21 of the Principal Act is amended by inserting the words “or Deputy Chairperson or other Member of the Council” immediately after “Chairperson” appearing in the first line of subsection (1) and replacing the words “Court of Appeal” with “High Court”.

Section 22 is amended.

8. Section 22 of the Principal Act is amended by inserting the words “elected under section 13(1)” after the words “Chairperson” appearing in the first line of subsection (1).

Section 24 replaced.

9. Section 24 of the Principal Act is repealed and replaced by the following:

“Emoluments and benefits of Chairperson 24.(1) Except to the extent provided by this Act or as shall be determined by another Act of the National Assembly, a Chairperson shall not be entitled to receive any other benefit whatsoever from the revenues of the Council.

- (2) No Member of a Council shall travel outside the Gambia without the prior approval of the Secretary of State.”

Section 34 amended

10. Subsection (1) of section 34 is amended by repealing and replacing paragraph (b) with the following:

“(b) Contracts Committee;”

Section 37 amended

11. Section 37 is repealed and replaced by the following:

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“37.The Contracts Committee shall have the functions prescribed under section 50 of The Gambia Public Procurement Act, 2003.”

Section 44 amended

12. Section 44 of the Principal Act is amended by deleting the word “Chairperson” in subsection (3) and

replacing same with “Council”.

- Section 123 amended
13. Section 123 of the Principal Act is amended by:
- (a) repealing and replacing subsection(1) thereof with the following:

“123.(1)There shall be an Area Administrator for each Local Government Area, except the City of Banjul, who shall be a senior civil servant appointed by the President.”
 - (b) deleting the words “ the City of Banjul and” appearing in the first line of subsection (2) thereof.
- Section 124 amended
14. Section 124 of the Principal Act is amended, by replacing the word “Chairperson” with “Secretary of State”.
- Section 128 is amended
15. Subsection (3) of section 128 of the Principal Act is amended, by replacing the words “twenty-five” with the words “not more than ten” immediately after the word “provide” appearing in the first line thereof.
- Section 149 is amended
16. Section 149 of the Principal Act is amended by:
- (a) inserting the following new paragraphs (b) and (c):
 - “(b) monitoring and supervision of the operations of Local Governments and their compliance with all laws, regulations and national policies and guidelines;”;
 - (c) ensure transparency, accountability and compliance;”
 - (b) re-numbering paragraph (b) and (c), paragraph (d) and (e) accordingly.
- Section 151 amended.
17. Section 151 of the Principal Act is amended by:
- (a) repealing and replacing subsection (2) with the following new subsection:

“(2) Where the Council fails to address 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 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 such member; or
- (d) give such other directions as the Secretary of State may deem appropriate to arrest the situation.”