

THE LOCAL GOVERNMENT (AMENDMENT) BILL 2015

Bill No. 5 of 2015

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The following Bill which is set out for introduction into the National Assembly is published for general information.

Explanatory Memorandum

The main object of this Bill is to amend the Local Government Act in order to provide for Municipal City Council and Municipal Town Council elections to be held in the year 2015, and thereafter every 6 years or in such other year as the President shall, on the advice of the Prime Minister, appoint.

2. The Bill also provides —

- (a) for an increase in the number of Municipal City Councillors and Municipal Town Councillors to be returned per ward from 3 to 4, thus increasing the total number of those Councillors from 90 to 120;
- (b) that every group or alliance presenting more than 2 candidates at an election of a Municipal City Council or Municipal Town Council shall ensure that not more than two-thirds of its candidates for election to that Council are of the same sex;
- (c) that any person who is and has, for not less than 6 months before a Municipal City Council or Municipal Town Council election, been the owner or tenant of business premises in a ward of a city or town may stand as a candidate at the election;
- (d) that the chairperson or a member of the governing body of a statutory corporation or an organisation wholly funded by the State may stand as a candidate at a local government election;

- (e) that, in the case of an alliance, every group forming part of the alliance may submit a reserve list and that the seat of a member of one group within the alliance becoming vacant shall be filled by the first available person on that group's reserve list;
- (f) that a Councillor shall not lose his seat where he ceases to belong to a group otherwise than by resignation;
- (g) that, in addition to a Lord Mayor, a Mayor and the Chairperson of a local authority, a Deputy Lord Mayor, Deputy Mayor or Vice Chairperson of a local authority may be revoked following a vote of no confidence;
- (h) that a local authority shall be required to meet at least once a month and no business shall be transacted at a meeting of a local authority unless there are present more than one third of the number of members; and
- (i) for related matters.

03 April 2015

Dr. M. A. HUSNOO

Minister of Local Government

THE LOCAL GOVERNMENT (AMENDMENT) BILL
(No. V of 2015)

ARRANGEMENT OF SECTIONS

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A BILL

To amend the Local Government Act

ENACTED by the Parliament of Mauritius, as follows —

1. Short title

This Act may be cited as the **Local Government (Amendment) Act 2015**.

2. Interpretation

In this Act —

“principal Act” means the Local Government Act.

3. Section 11 of principal Act amended —

Section 11 of the principal Act is amended —

- (a) in subsection (1), by repealing paragraph (a) and replacing it by the following paragraph —

- (a) held in 2015 and thereafter every 6 years or in such other year, and at such date, as the President shall, on the advice of the Prime Minister, appoint; and
- (b) in subsection (4) —
 - (i) in paragraph (a), by deleting the word “Three” and replacing it by the word “Four”;
 - (ii) in paragraph (b), by deleting the figure “3” and replacing it by the figure “4”;
- (c) by repealing subsection (6) and replacing it by the following subsection —

(6) (a) Every group presenting more, than 2 candidates at an election of a Municipal City Council or Municipal Town Council shall ensure that not more than two thirds of the group’s candidates for election to that Council are of the same sex.

(b) Where the group forms part of an alliance, it shall be sufficient for the alliance to comply with paragraph (a) without each group forming part of the alliance necessarily complying with that paragraph.

4. Section 12 of principal Act amended

Section 12 of the principal Act is amended, in subsection (1)(a), by deleting the words “on such date as the President shall appoint” and replacing them by the words “or in such other year, and at such date, as the President shall, on the advice of the Prime Minister, appoint”.

5. Section 15 of principal Act amended

Section 15 of the principal Act is amended —

- (a) by deleting the words “Municipal City Councillor, Municipal Town Councillor or Village”;
- (b) by inserting, after paragraph (a), the following new paragraph, the word “and” at the end of paragraph (a) being deleted and replaced by the word “or” —

(aa) in the case of a Municipal City Councillor or Municipal Town Councillor,

occupying, as owner or tenant, any business premises in a ward of that city or town for not less than 6 months before the election; and

6. Section 16 of principal Act amended

Section 16 of the principal Act is amended, in paragraph (c)(iii), by adding the words “, other than as the chairperson or member of the governing body of that corporation or organisation wholly funded by the State”.

7. Section 18 of principal Act amended

Section 18 of the principal Act is amended —

(a) in subsection (1)(b), by deleting the words “, in which case they shall be regarded as a single group”;

(b) by repealing subsection (2) and replacing it by the following subsection —

(2) (a) Every candidate for election to a local authority, other than the election of a District Council, shall, at his nomination, declare, in such manner as may be prescribed —

(i) where he belongs to a group not forming part of an alliance, that he belongs to that group; or

(ii) where he belongs to a group forming part of an alliance, that he belongs to the alliance and the group forming part of the alliance.

(b) Where a candidate fails or refuses to make a declaration under paragraph (a), he shall not be regarded as a member of any group.

(c) Where a candidate makes a declaration —

- (i) under paragraph (a)(i), he shall, for the purpose of section 42(2) and (2A), be regarded as a member of that group and the name of that group shall be stated on any ballot paper on which his name appears; or
- (ii) under paragraph (a)(ii), he shall, for the purpose of section 42(2) and (2A), be regarded as a member of that group, and both the name of the group and that of the alliance shall be stated on any ballot paper on which his name appears.

(c) in subsection (5) —

- (i) in paragraph (a), by deleting the words “A group” and replacing them by the words “Subject to paragraph (aa), a group”;
- (ii) by inserting, after paragraph (a), the following new paragraph —

(aa) In the case of an alliance —

- (i) each group forming part of the alliance may submit a reserve list;
- (ii) no reserve list shall be submitted by the alliance itself.

8. Section 33 of principal Act amended

Section 33 of the principal Act is amended —

- (a) in subsection (1), by adding the words “or until such time as their successors are elected”;
- (b) in subsection (2), by deleting the words “starting from the first day of the month following the election” and replacing them by the words “or until such time as their

successors are elected”;

- (c) in subsection (3), by deleting the words “the first day of the month following their election until such time as a new Lord Mayor and a Deputy Lord Mayor, or new Mayor and Deputy Mayor, or new Chairperson and Vice-Chairperson, as the case may be, are elected following an election for the renewal of the whole Council” and replacing them by the words “their election, or until such time as their successors are elected”;
- (d) in subsection (4), by deleting the words “have taken the oath referred to in section 22” and replacing them by the words “have been elected”.

9. Section 36 of principal Act repealed and replaced

Section 36 of the principal Act is repealed and replaced by the following section —

36. Revocation of Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson or Vice-Chairperson

(1) Where a Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson or Vice-Chairperson of a District or Village Council no longer commands a majority, following a motion of no confidence that has been debated and passed against him, the Minister shall revoke the Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson or Vice-Chairperson, as the case may be, and order that a new Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson or Vice-Chairperson be elected within 7 days of the order.

(2) A Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson or Vice-Chairperson of a District or Village Council elected in accordance with subsection (1) shall hold office until such time as the Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson or Vice-Chairperson, as the case may be, whom he is elected to replace would have normally vacated his office.

(3) Only one motion of no confidence shall be allowed during the tenure of

office of a Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson or Vice-Chairperson of a District or Village Council, and no such motion shall be allowed during the first 6 months of his tenure of office.

10. Section 38 of principal Act amended

Section 38 of the principal Act is amended —

- (a) in paragraph (c), by adding, after the words “subsisting contract;”, the word “or”;
- (b) by repealing paragraph (e), the words “; or” at the end of paragraph (d) being deleted and replaced by a full stop.

11. Section 39 of principal Act amended

Section 39 of the principal Act is amended, in subsection (1)(c), by deleting the words “38(b), (c), (d) or (e)” and replacing them by the words “38(b), (c) or (d)”.

12. Section 40 of principal Act amended

Section 40 of the principal Act is amended, in paragraph (e), by deleting the words “38(b), (c), (d) or (e)” and replacing them by the words “38(b), (c) or (d)”.

13. Section 42 of principal Act amended

Section 42 of the principal Act is amended —

- (a) in subsection (2), by inserting, after the words “subject to”, the words “subsection (2A) and”;
- (b) by inserting, after subsection (2), the following new subsection —

(2A) Where the seat of a member of a group registered as an alliance becomes vacant, it shall be filled by the first available person on the reserve list of the

group of which he is a member.

14. Section 45 of principal Act amended

Section 45 of the principal Act is amended, in subsection (1)(b), by deleting the word “fortnight” and replacing it by the word “month”.

15. First Schedule to principal Act amended

The First Schedule to the principal Act is amended, in Part C, in the second column, under the heading “**No. of Councillors**”, by deleting the figure “24” and replacing it by the figure “32”.

16. Second Schedule to principal Act amended

The Second Schedule to the principal Act is amended by repealing Part C and replacing it by the following Part —

**PART C — NUMBER OF COUNCILLORS FOR A
MUNICIPAL TOWN COUNCIL**

Municipal Town Council	No. of Councilors
Beau Bassin-Rose Hill	24
Curepipe	20
Quatre Bomes	20
Vacoas-Phoenix	24

17. Seventh Schedule to principal Act amended

The Seventh Schedule to the principal Act is amended —

(a) in Part A—

(i) in paragraph 1, by deleting the word “fortnight” and replacing it by the word “month”;

(ii) by repealing paragraph 15 and replacing it by the following paragraph —

15. No business shall be transacted at a meeting of a Council unless there are present more than one third of the number of members.

(b) in Part B, by adding the following new paragraph —

10. No business shall be transacted at a meeting of a Council unless there are present more than one third of the number of members.