

THE LOCAL GOVERNMENT (AMENDMENT NO. 2) BILL
(No. XX of 2018)

Explanatory Memorandum

The main object of this Bill is to amend the Local Government Act to provide for the next general election of Councillors to a Village Council to be held in the year 2020, and for matters related thereto.

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Minister of Gender Equality, Child
Development and Family Welfare*

23 November 2018

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 11 of principal Act amended
 4. Section 12 of principal Act amended
 5. New section 12A inserted in principal Act
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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 No. 2) Act 2018.

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, in subsection (1)(a), by deleting the words “or in such other year”.

4. Section 12 of principal Act amended

Section 12 of the principal Act is amended, in subsection (1), by repealing paragraph (a) and replacing it by the following paragraph –

- (a) held in the year 2020 and thereafter every 6 years, at such date, as the President shall, on the advice of the Prime Minister, appoint;

5. New section 12A inserted in principal Act

The principal Act is amended by inserting, after section 12, the following new section –

12A. Transitional provisions until general election of Village Councils to be held in year 2020

- (1) Notwithstanding this Act –
 - (a) every member of a Village Council, including a District Councillor, other than a Chairperson and Vice-chairperson of a District Council or Village Council, in office on the commencement of this Act, shall continue to serve as such

until the day immediately preceding nomination day at the election of Councillors to a Village Council to be held in the year 2020;

- (b) every Chairperson and Vice-chairperson of a District Council or Village Council in office on the commencement of this Act shall continue to serve as such until their successors are elected after the election of Councillors to a Village Council to be held in the year 2020.

(2) (a) Where a vacancy occurs in the office of a Village Councillor referred to in subsection (1)(a), the Minister may appoint any person who is qualified to be a Village Councillor to fill the vacancy.

(b) Where a vacant seat is filled pursuant to paragraph (a), that person so appointed as a Village Councillor shall hold office until the day immediately preceding nomination day at the election to be held in the year 2020.

(3) (a) Where a vacancy occurs in the office of a District Councillor referred to in subsection (1)(a), the Minister shall, within 15 days of the vacancy, appoint, from amongst the Village Councillors of the Village Council concerned, another District Councillor.

(b) A District Councillor appointed pursuant to paragraph (a) shall hold office until the day immediately preceding nomination day at the election to be held in the year 2020.

(4) (a) Where a vacancy occurs in the office of a Chairperson or Vice-Chairperson of a Village Council referred to in subsection (1)(b), the Minister shall, within 15 days of the vacancy, appoint, from amongst the Village Councillors of that Village Council, another Chairperson or Vice-chairperson.

(b) A Chairperson or Vice-Chairperson of a Village Council appointed pursuant to paragraph (a) shall hold office until his successor is elected after the election to be held in the year 2020.

(5) (a) Where a vacancy occurs in the office of a Chairperson or Vice-Chairperson of a District Council referred to in subsection (1)(b), the Minister shall, within 15 days of the vacancy, appoint, from amongst the District Councillors of that District Council, another Chairperson or Vice-chairperson.

(b) A Chairperson or Vice-Chairperson of a District Council appointed pursuant to paragraph (a) shall hold office until his successor is elected after the election to be held in the year 2020.
