

ACT

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THE LOCAL GOVERNMENT ACT, 2022.

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SCHEDULES

Passed in Parliament this *19th day of December*, in the year of our Lord
two thousand and Twenty Two.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill
which has passed Parliament and found by me to be a true and correct printed
copy of the said Bill.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

SIGNED this *23rd day of December, 2022.*

DR. JULIUS MAADA BIO,
President.



No. 26



2022

Sierra Leone

THE LOCAL GOVERNMENT ACT, 2022

Short title.

**Being an act to provide for the continuation of local councils,
the decentralisation and devolution of functions, powers and services
to local councils and to repeal and replace the Local Government Act
2004.**

[] Date of com-
mencement.

ENACTED by the President and Members of Parliament in this
present Parliament assembled.

PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires -

“Anti-Corruption Commission” means the Anti-Corruption Commission established by the Anti-Corruption Act, 2008;

“assets” includes moveable and immoveable properties;

“District Council Chairman” means a person elected in accordance with section 11 and includes a mayor in the case of City or Municipal Council;

“Chiefdom Council” means the Chiefdom Council established under the Chiefdom Councils Act Cap 31;

“Commission” means the Local Government Service Commission established under section 39;

“Constitution” means the Constitution of Sierra Leone, 1991;

“Councillor” means a member of a local council;

“devolved function” means a function performed by Central Government but transferred to local councils under section 21;

“elected Councillor” means a member of a local council elected under paragraph (c) of subsection (1) of section 4;

“financial year” means the financial year of the Government;

HRMO means the Human Resources Management Office

“Inter-Ministerial Committee” means the Inter-Ministerial Committee on Local Government and Decentralisation established under section 121-;

“locality” means the administrative area of a local council and includes a district, town, city or metropolis;

“local council” means a local council established under paragraph (c) of subsection (2) of section 2;

“Local Council Chief Administrator” means a person appointed as such under section 32;

“Local Government Finance Committee” means the Local Government Finance Committee established under section 57;

“Minister” means the Minister responsible for local government activities and “Ministry” shall be construed accordingly ;

“ordinarily resident” means the home or place where a person normally resides and to which he returns to after any period of temporary absence;

“Paramount Chief Councillor” means a member of a local council selected under paragraph (e) of subsection (1) of section 4;

“Precept” for the purposes of this Act “Precept” means a percentage of the Local Tax collected in an Area/ District that is given to the Local Council;

PSC means the Public Service Commission;

“ward” means an area within a locality which is delineated and designated by the Electoral Commission for Sierra Leone for the purpose of electing a Councillor to a local council.

PART II—ESTABLISHMENT OF LOCALITIES AND LOCAL COUNCILS

Creation of localities.

2. (1) Subject to subsection (2), the areas specified in Part I of the First Schedule shall be localities.

(2) The President may for the purpose of this Act and acting on the recommendation of the Minister, the Minister responsible for finance and the Commissioner of the Electoral Commission for Sierra Leone, by statutory instrument—

- (a) declare any area as a locality;
- (b) assign a name to the locality;
- (c) establish a council for the locality;
- (d) provide for the number of persons constituting the council;
- (e) specify the place where the principal offices of the local council are to be situated; and
- (f) provide for such other matters as are required by this Act to be included in the instrument or are consequential to it.

(3) The Minister, the Minister responsible for finance, and the Commissioner Electoral Commission for Sierra Leone shall, in making any recommendation under subsection (1) consider—

- (a) the population and population density;
- (b) the geographical contiguity;
- (c) the topography; and
- (d) future growth or expansion of the area.

(4) Where a new locality is established the Government shall provide a minimum level of short – term catalytic support to new councils by providing the following –

- (a) political support in the form of sufficient resources to conduct free and fair elections that result in the assumption of office of elected leaders of the council;
- (b) administrative support in the form of sufficient capacity assigned to the council including staff, essential equipment, a bank account and a recurrent budget;
- (c) fiscal support in the form of sufficient provision in the national budget for the construction of office space, staff salaries and an operational budget.

3. (1) A local council, established under subsection (2) of section 2, shall be a body corporate with perpetual succession and common seal and may sue and be sued in its own name. Incorporation of local councils.

(2) A local council shall have powers to –

- (a) discharge any of its functions under this Act;
- (b) acquire and hold movable or immoveable property;
- (c) dispose of any property; and
- (d) enter into any contract or other transaction.

PART III – COMPOSITION OF LOCAL COUNCILS AND
ELECTION OF COUNCILLORS

Composition
of Local
councils

4. (1) A local council consisting of the number of persons specified under paragraph (d) of subsection (2) of section 2, shall be made up of the following members–

- (a) District Council Chairman;
- (b) Deputy District Council Chairman;
- (c) such number of elected Councillors from the locality, elected by universal adult suffrage in accordance with the elections act in force;
- (d) the number of Members of Parliament from the constituencies that fall within the area of authority of the local council without voting rights;
- (e) the number of Paramount Chiefs in a locality as specified in Part II of the First Schedule selected by the Paramount Chiefs in the locality to represent their peers
- (f) four tribal headmen without voting rights ;and
- (g) four village headmen without voting rights

(2) Paragraph (e) of subsection (1) shall apply to localities that have a system of paramount chieftaincy as stipulated under section 72 of the Constitution.

(3) Paragraph (f) of subsection (1) shall apply to the Freetown City Council.

(4) Paragraphs (g) of subsection (1) shall apply to the Western Area Rural District Council.

(5) Each local council shall consist of not less than twelve members

5. Elections to a local council shall be conducted every five years. Period for elections

6. (1) A person shall be qualified to be elected to a local council if the person– Qualifications and dis-qualification of Councillors.

- (a) is a citizen of Sierra Leone and not less than 18 years of age;
- (b) is on the Register of Voters and is ordinarily resident in the ward in which he seeks election;
- (c) has paid all taxes and rates in that locality as required by law;

(2) For the purpose of paragraph (b) of subsection (1) a person shall be deemed to be ordinarily resident in a locality by showing continuous proof of residency in the locality of not less than three years.

(3) In order to show proof of residence referred to under subsection (2) the person concerned shall produce a voters registration card, local tax receipts or other tax documents dated three years back stipulating the name and locality of the person.

(4) A person shall be disqualified for election to a local council if the person–

- (a) is employed by the local council;
- (b) is unable to perform the functions of his office by reason of infirmity of mind or body;
- (c) has been sentenced to life imprisonment or convicted for an offence involving fraud, dishonesty, sexual offence or violence or has been convicted of an offence relating to or connected with elections under any enactment, and has not received a pardon;

- (d) being a practising professional, is disqualified (otherwise than at his own request) from practising his profession by order of a competent authority;
- (e) is a member of–
 - (i) Parliament;
 - (ii) The Armed Forces;
 - (iii) The Sierra Leone Police;
 - (iv) The Judiciary;
 - (v) The Electoral Commission for Sierra Leone;
 - (vi) The Civil Service;
- (f) is a –
 - (i) Paramount Chief;
 - (ii) Chiefdom Speaker; or
 - (iii) Minister.

Tenure of
office for
councillors
Oath to be
taken by
councillors

7. Subject to this Act, a Councillor shall hold office for a period of five years.

8. Every Councillor shall take and subscribe to the oath set out in the Second Schedule before taking his seat in the local council

Vacancy in
seats of
Councillors.

9. (1) The seat of a Councillor shall become vacant on any of the following grounds–

- (a) upon his death ;
- (b) if by writing addressed to the District Council Chairman, he resigns as a member;
- (c) if he is disqualified under subsection (4) of section 6;

- (d) if he is absent from more than three consecutive ordinary meetings of the Council without reasonable excuse and without informing the District Council Chairman; or
- (e) if he takes part in any deliberations on a contract in which he has a financial interest or votes on any decision concerning the contract.

(2) Where a complaint is made to a local council that a Councillor is disqualified pursuant to paragraph (c) (d) or (e) of subsection (1), the local council shall set up a complaints and arbitration committee to investigate the matter.

(3) The complaints and arbitration committee shall consist of independent persons recommended by the local council and appointed by the Minister.

(4) At the end of its investigation the complaints and arbitration committee shall submit a report of its findings to the local council and the report shall be made publicly available when the minutes of the council's discussion are made available.

(5) Where the local council, after studying the report, passes a resolution supported by not less than two-thirds of all members of the council to that effect, the member shall cease to be a member of the council.

(6) A Councillor who is aggrieved by a decision of the local council under subsection (5) may appeal to the High Court against such decision.

10. (1) Whenever a vacancy occurs among the elected Councillors, a bye-election shall be held by the Electoral Commission for Sierra Leone to fill such vacancy within ninety days of the occurrence of the vacancy, but if the vacancy occurs within a period of six months before the end of the tenure of office of the elected Councillor, no bye-election shall be held.

Filling of
vacancies

(2) A person elected under subsection (1) to fill a vacancy shall hold office for the unexpired term of the previous elected Councillor.

(3) Where a vacancy occurs among the Paramount Chief, the Paramount Chiefs in the locality shall where applicable fill the vacancy by selecting another Paramount Chief.

(4) A Paramount Chief selected under subsection (3) shall hold office for the unexpired term of the previous Paramount Chief Councillor.

Election of
the District
Council
Chairman.

11. (1) There shall be a District Council Chairman for each local council, who shall be elected by universal adult suffrage by voters of the locality and shall be the head of the local council.

(2) Subject to this Act the term of office of a District Council Chairman shall be five years and he shall be eligible for re-election for one further term only

Functions of
the District
Council
Chairman.

12. (1) The District Council Chairman shall be responsible for managing the affairs of the local council with the support of the administration and shall be accountable to the local council

(2) The District Council Chairman shall, without prejudice to the other provisions of this Act-

- (a) formulate the development strategy and development plans for the locality and present them to the Council for approval;
- (b) supervise the Chief Administrator of the locality;
- (c) ensure an integrated approach to development in the locality;

(d) manage, develop and improve human settlement and the natural environment of the locality.

(e) promote and support human capital development, capacity building, productive activity and social development in the locality;

(f) initiate and maintain programmes for the development of basic infrastructure in the locality;

(g) ensure that decisions and resolutions of the Local Council are implemented;

(h) ensure that the financial affairs of the local council are properly managed and controlled; and perform such other functions as the local council may determine.

13. The office of the District Council Chairman shall become vacant-

Vacancy in
the office of
the District
Council
Chairman.

- (a) upon the death of the District Council Chairman;
- (b) upon the resignation of the District Council Chairman;
- (c) if the District Council Chairman accepts appointment to another public office;
- (d) if the District Council Chairman is sentenced to life imprisonment or convicted for an offence involving fraud, dishonesty or sexual offence;
- (e) if a law disqualifies the District Council Chairman from occupying the office; or

- (f) if the District Council Chairman is removed from office under section 14.

Removal of
District
Council
Chairman

14. (1) Subject to subsection (2), a District Council Chairman may be removed from office by a council by a resolution supported by two-thirds of the Councillors on any of the following grounds-

- (a) abuse of office;
- (b) corruption;
- (c) gross incompetence;
- (d) gross misconduct;
- (e) any physical or mental incapacity that would render the District Council Chairman incapable of performing his duties; or
- (f) failure or refusal without justifiable reason to implement lawful decisions of the local council.

(2) For the purposes of removing the District Council Chairman under subsection (1) with the exception of paragraph (e), a notice in writing signed by not less than two-thirds of all the members of the council shall be submitted to the Minister-

- (a) stating that they intend to pass a resolution of the council to remove the District Council Chairman on any of the grounds set out in subsection (1); and
- (b) setting out the particulars of the charge supported by documentary evidence

(3) Within 7 days after receipt of the notice referred to under subsection (2) the Minister shall submit a copy of the notice to the Chief Justice and the District Council Chairman.

(4) Within 7 days after receipt of the notice under subsection (3) the Chief Justice shall set up a Panel comprising a Justice of the High Court and two other persons to investigate the allegations contained in the notice and to report its findings on whether or not there is a case for the removal of the District Council Chairman.

(5) The District Council Chairman shall be entitled to appear and be heard at the proceedings of the Panel and to be represented by a legal practitioner or other person of his choice.

(6) Where the Panel determines that there is a prima facie case for the removal of the District Council Chairman under subsection (1) with the exception of paragraph (e) of subsection (1) the Panel shall submit a report of its findings to the Chief Justice who shall thereafter submit the report to the Minister.

(7) Within 14 days after receipt of the report under subsection (6) the Minister shall instruct the Deputy District Council Chairman to convene a meeting of the local council and to circulate copies of the report

(8) During the meeting referred to under subsection (7) members of the local council shall pass a resolution on whether or not to remove the District Council Chairman.

(9) Where members of the local council pass a resolution for the removal of the District Council Chairman supported by the votes of not less than two-thirds of all elected members of the Council the District Council Chairman shall cease to hold office.

(10) For the purpose of removing the District Council Chairman on grounds of physical or mental incapacity under paragraph (e) of subsection (1), a notice in writing signed by not less than two-thirds of all the elected members of the council shall be submitted to the Minister -

- (a) stating that they intend to pass a resolution of the Council for the removal of the District Council Chairman on grounds of physical or mental incapacity; and
- (b) giving particulars of the alleged incapacity.

(11) Within seven days after receipt of the notice referred to in subsection (10) the Minister shall submit a copy of the notice to the Chief Medical Officer and the District Council Chairman.

(12) Within seven days after receipt of the notice referred to under subsection (11) the Chief Medical Officer after consultation with the Medical and Dental Council, shall establish a Medical Board comprising three qualified medical specialists to examine the District Council Chairman in respect of the alleged incapacity.

(13) The Chief Medical Officer shall inform the District Council Chairman in writing of the establishment of the Medical Board and the reasons for its establishment.

(14) The Medical Board shall examine the District Council Chairman within fourteen days after its establishment.

(15) The District Council Chairman shall submit himself to the Medical Board for examination on a day and at a time determined by the Board.

(16) The District Council Chairman shall be entitled to appear with a medical practitioner or other person of his choice.

(17) Where the Medical Board determines that the District Council Chairman is by reason of physical or mental incapacity unable to perform the functions of the office of District Council Chairman it shall submit a report of its findings to the Chief Medical Officer who shall thereafter submit the report to the Minister.

(18) Immediately after the Minister receives the report from the Chief Medical Officer he shall communicate the findings to the other members of the local council and the District Council Chairman who shall cease to be the chairperson

(19) The expenses of the Panel and Medical Board shall be met by the relevant local council.

15. (1) There shall be a Deputy District Council Chairman for each local council, who shall be elected as running mate to the District Council Chairman by universal adult suffrage by voters of the locality

Deputy
District
Council
Chairman

(2) Subject to this Act the Deputy District Council Chairman shall hold office for a period of five years.

(3) The Deputy District Council Chairman shall assist the District Council Chairman in the performance of his functions and act in the absence of the District Council Chairman.

(4) Section 14 on the removal of a District Council Chairman shall apply to the Deputy District Council Chairman with the necessary modification.

Part IV—MEETINGS AND COMMITTEES OF LOCAL COUNCILS

16. (1) A local council shall hold ordinary meetings at least once every month at such place and time as the District Council Chairman may determine.

Meetings of
Council.

(2) Notice of the time and place of the ordinary meetings of a local council shall be made public at least one week before each meeting.

(3) The District Council Chairman or in his absence the Deputy District Council Chairman or in his absence a Councillor appointed by the Councillors from among themselves, shall preside at meetings of the Council.

(4) A District Council Chairman may at any time and shall at the request in writing of not less than one-third of the Councillors, call a special meeting and notice informing members of the meeting shall specify the object of such meeting.

(5) Except otherwise provided for in this Act or in the Standing Orders of the local council, matters for decision by a local council shall be determined by a simple majority of the Councillors present and voting.

(6) The quorum for a meeting of a local council shall be half of all the Councillors, provided that where a local council holds a meeting to discuss financial matters, the quorum for such meetings shall be three-fourth of all members of the council.

(7) A local council may, at any time, require any officer employed by it or under its control to attend any of its meetings to provide information or assistance as the council may require, but such officer shall not vote on any matter for decision by the council.

(8) Meetings of a local council shall be open to the public, but where by resolution of the council the deliberations at a particular meeting are of a confidential nature, the local council may meet in camera.

Use of
Languages.

17. (1) Subject to subsection (2), a local council may conduct its deliberations in the English language or in any other language common to the communities in the locality.

(2) The minutes of meetings and other records of a local council shall be in the English language.

Standing
Orders.

18. (1) A local council shall make Standing Orders to regulate the proceedings of the Council and its Committees.

(2) The Standing Orders shall be adopted by not less than two-thirds of the members of the Council.

(3) The Standing Orders shall be followed, observed and be binding on the local council.

Minutes.

19. (1) The minutes of a meeting of a local council shall be signed by the District Council Chairman or other person who presided at the meeting.

(2) The approved minutes of any meeting of a local council or any committee of the Council, signed by the District Council Chairman or other person presiding, shall be prima facie evidence of the matters referred to in the minutes and shall be received in evidence without further proof.

(3) Minutes of a meeting of a local council shall be made public within fourteen days of being approved.

20. (1) A local council may appoint committees consisting of councillors performing any functions determined by the local council. Committees of
Local Council.

(2) Without prejudice to subsection (1), a local council shall establish—

- (a) a development planning committee;
- (b) a budgeting and finance committee;
- (c) a council appointment advisory committee;
- and
- (d) an audit committee

(3) Each Councillor, other than the District Council Chairman, shall serve on at least one Committee during that member's tenure of office.

(4) The District Council Chairman may attend a meeting of any Committee, but shall not vote on any matter for decision by the Committee.

(5) A Committee may co-opt any person to attend any of its meetings to advise it on any matter being considered by it, but the co-opted person shall not have a right to vote.

(6) A Committee shall regulate the procedure for its meetings in accordance with the Standing Orders of the local council.

(7) All Committee meetings shall be open to the public.

(8) A local council may, by resolution, dissolve and reconstitute any Committee which in its opinion is not performing its functions effectively.

PART V – FUNCTIONS OF LOCAL COUNCILS AND COUNCILLORS

Functions of
Local
Council.

21. (1) A local council shall -

- (a) be the highest political authority in the locality;
- (b) have legislative and executive powers to be exercised in accordance with this Act or any other enactment;
- (c) be responsible, generally for promoting the development of the locality and the welfare of the people in the locality with the resources at its disposal and with any resources and capacity it can mobilise from
 - (i) own source;
 - (ii) the central government and its agencies;
 - (iii) national and international non-governmental organisations; and
 - (iv) the private sector

(2) Without prejudice to the generality of subsection (1), it shall be the function of a local council to—

- (a) approve the budget and development strategy of the local council submitted to it by the District Council Chairman;
- (b) promote local economic development;
- (c) conduct oversight and monitor the performance of the local council administration and all devolved sector agencies and delivery units;

- (d) summon public and private officials including community based organisations, national and international non-governmental organisations in the locality to provide answers to questions and queries;
- (e) regulate its own affairs including setting up of committees to manage aspects of its functions;
- (f) coordinate the development activities of non-governmental organisations and other development partners;
- (g) cooperate with relevant agencies to ensure the security of the locality;
- (h) oversee chiefdom councils in the performance of the functions delegated to them by the local councils;
- (i) determine the rate of local tax;
- (j) approve the annual budget of chiefdom councils and oversee the implementation of the budget submitted through the District Officer;
- (k) perform other functions stipulated under any enactment;
- (l) subject to section 27 perform functions devolved to it under the Third Schedule;
- (m) perform functions prescribed under statutory instruments.

(3) A Local Council shall have the power to request for the removal from office of the District Council Chairman through a two thirds majority vote

(4) The relevant Government Ministry shall, in respect of the devolved functions—

- (a) be responsible for policy matters;
- (b) provide technical guidance to the local councils ; and
- (c) monitor the performance of the functions by the local council

Local councils to delegate functions.

22. (1) Subject to this Act, a local council may, delegate any of its functions to any Chiefdom Council, body or person as it may determine.

(2) A local council shall not delegate its powers to -

- (a) legislate ;
- (b) impose rates, taxes, fees or charges;
- (c) borrow money;
- (d) approve budget ; or
- (e) draw up plans for a local council

(3) Any Chiefdom Council, body or person to whom a function has been delegated shall, on a quarterly basis, submit a written report which shall include accounting or financial matters as may be necessary, to the local council, and the report shall be displayed in a conspicuous part of the premises of the local council and in every ward of the chiefdom to which the functions was delegated.

Ministries to formulate Policies.

23. Government Ministries shall, in respect of any function devolved to local councils to formulate policies under this Act or any other enactment which relates to them, be responsible for the formulation of national policies, and local councils shall act in accordance with such policies.

24. Government ministries and departments in preparing and undertaking any project that would affect a locality shall consult the local council concerned. Ministries To consult.

25. (1) A local council may, in agreement with one or more local councils appoint a joint committee for any projects or matters in which they are jointly interested, and may delegate to the committee any functions of the councils relating to the project or matter for which the committee is appointed. Joint Committees.

(2) A committee appointed under this section may be authorised to co-opt additional members.

(3) A committee appointed under this section shall, unless otherwise directed, report its proceedings to the local councils concerned.

26. A local council may collaborate with any other local council in promoting any commercial activity beneficial to the localities after notifying the Minister Commercial activity.

27. (1) Without prejudice to section 21, a Government Ministry may delegate any of its functions to a local council as it may think fit. Delegation of Functions.

(2) A Government Ministry which has delegated its functions to a local council pursuant to subsection (1) shall transfer to the local council resources and powers necessary for the efficient performance of the delegated functions.

(3) A local council shall submit a report to the relevant Minister after performing the delegated functions

28. Chiefdom Councils shall cooperate with local councils in the performance of the functions of the local councils. Cooperation.

Chiefdom
Council.

29. In cooperating with local councils, Chiefdom Councils shall advance the principles of devolution, inclusive participation human rights and good governance and continue to perform the functions provided for in the Chiefdom Councils Act, in particular–

- (a) preventing the commission of offences in their area;
- (b) prohibiting or restricting illegal gambling;
- (c) making and enforcing bye-laws;
- (d) holding land in trust for the people of the Chiefdom; and
- (e) representing the cultural traditions and identity of the people

Duties of
Councillors.

30. A Councillor shall–

- (a) maintain close contact with his ward or chiefdom;
- (b) consult the electorate on issues to be discussed in the local council and collate their views, opinions and proposals for that purpose, and present them to the local council;
- (c) report to the electorate the decisions of the Council and the actions he has taken to solve problems or deal with issues raised by the electorate; and
- (d) promote communal and other development activities in the locality.
- (e) monitoring of projects in his ward through the Ward Development Committee and make recommendations for the attention of the Local Council

31. (1) Subject to subsection (2)–

Remuneration.

- (a) councillors shall be paid transportation, fees and other allowances as the Local Council may determine on the advice of the Minister;
- (b) District Council Chairmen and Deputy District Council Chairmen shall be paid salaries, allowance, benefits, pensions and gratuities from the consolidated fund as determined by the Ministry of Finance and the Ministry of Local Government ;
- (c) Members of Parliament appointed pursuant to paragraph (c) of section (1) of section 4 shall not be paid any remuneration for attending local council meetings

(2) Any allowances or remuneration paid shall be financed by the local council under guidelines issued by the Ministry after consulting the Ministry responsible for finance.

PART VI–STAFF OF LOCAL COUNCILS AND ESTABLISHMENT OF LOCAL GOVERNMENT SERVICE COMMISSION

32. (1) There shall be a Local Council Chief Administrator for each local council who shall be recruited by the local council after consulting the Commission. Chief Administrator.

(2) The Local Council Chief Administrator shall be–

- (a) the secretary to the Local Council;
- (b) the vote-controller; and
- (c) the head of the administration of the Local Council
- (d) the Technical Advisor to the Local Council in consultation with relevant professionals

(3) Applicants for the position of Local Council Chief Administrator and other established posts in the local councils shall meet selection criteria determined by the Commission and shall go through a competitive process that shall be open and transparent.

(4) A Local Council Chief Administrator shall–

- (a) be responsible for the financial and other resource management and the day-to-day administration of the Local Council;
- (b) be responsible for the implementation of all lawful decisions of the Local Council;
- (c) assist and advise the District Council Chairman in the performance of its functions ;
- (d) supervise and coordinate the activities of the other staff of the Local Council ;
- (e) be responsible for the overall coordination of the administration and devolved sector agencies and resource mobilisation;
- (f) ensure that staff performance standards are met; and
- (g) perform any other function as the Local Council or District Council Chairman may determine.

(5) A Local Council Chief Administrator shall, in the performance of his functions, ensure that there is accountability and transparency in the management and delivery of the local council's services.

Staff of the
Local
Council.

33. A Local Council shall be responsible for the recruitment, promotion and discipline of its staff in collaboration with –

- (a) the Commission ;
- (b) the Ministry;
- (c) Public Service Commission ;
- (d) Human Resources Management Office ; and

- (e) Institutions responsible for managing the public service and those institutions shall determine the appropriate procedures and grading system.

34. (1) There is hereby established a committee to be known as the Appointments Advisory Committee which shall be responsible for the appointment and promotion of the staff of Local Council in accordance with guidelines set by the Commission .

(2) The Appointments Advisory Committee shall consist of the following members -

- (a) two Commissioner one of whom shall be Chairman, appointed by the Commission;
- (b) a representative of Public Service Commission, not below the rank of a Commissioner;
- (c) a representative of the Human Resource Management Office, not below the rank of a Director;
- (d) a representative of the Ministry, not below the rank of a Director;
- (e) two representative of the Local Council (Chief Administrator and Chairman of the Establishment Committee)

(3) The executive secretary of the Commission shall be the Secretary appointed under subsection (2) of section 46.

35. (1) Subject to subsection (2), a local council shall appoint other staff necessary for the proper and efficient performance of its functions after consulting the Appointment Advisory Committee

(2) A local council shall not consult the Appointment Advisory Committee in respect of the appointment of staff below any level specified in guidelines issued by the Commission.

Responsibilities. **36.** (1) The Local Council Chief Administrator shall be responsible to the local council subject to the general directions of the local council

(2) The other staff of a local council shall be responsible to the Local Council Chief Administrator.

Assignment of staff. **37.** (1) The Government may, at the request of a local council made through the Minister, assign public officers to the local council to assist it in performing its functions.

(2) A public officer assigned under subsection (1) shall be responsible to the local council Chief Administrator;

(a) in respect of social security and other rights be deemed to be in the service of Government ; and

(b) at the conclusion of his assignment either be appointed by the local council as its staff or revert to his former place of employment.

Permanent and Pensionable staff **38.** (1) All administrative officers of the Local Council (including assigned and devolved sector staff) shall be permanent and pensionable staff.

(2) Salaries, allowances, pensions and gratuities shall be paid by or through the Local Council in collaboration with the following institutions–

- (a) the Ministry ;
- (b) the ministry responsible for finance;
- (c) the Commission ;
- (d) PSC;

- (e) HRMO; and
- (f) any other institution responsible for managing wages, salaries and compensation

39. There is hereby established a Commission to be known as the Local Government Service Commission.

Local Government service Commission.

40. (1) The Commission shall consist of the following members-

Composition of Commission.

- (a) a chairman, who shall be a person with considerable knowledge and experience in public administration and local government matters;
- (b) a representative of the Ministry;
- (c) a representative of the Public Service Commission;
- (d) a representative of HRMO ; and
- (e) five other persons with considerable knowledge of local government matters, three of whom shall be women.

(2) The Chairman and members referred to under paragraph (e) of subsection (1) of section 40 shall be appointed by the President subject to the approval of Parliament.

(3) Members referred to under paragraphs (b), (c) and (d) shall be ex officio members

41. (1) The Chairman and members referred to under paragraph (e) of subsection (1) of section 40 shall hold office for three years and shall on the expiration of that term be eligible for re-appointment for another term only.

Tenure of office.

(2) Any member of the Commission other than an ex-officio member, may resign his office in writing addressed to the President through the Minister.

(3) Where the office of a member of the Commission other than an ex-officio member, becomes vacant through death, resignation or any other cause before the expiration of that member's term of office, the Minister shall notify the President in writing of the occurrence of the vacancy and the President, with the approval of Parliament, shall appoint another person, in the place of that member, to hold office for the unexpired term of office of that member.

(4) Where it appears to the President on the written recommendation of the Minister that any member of the Commission is incapacitated by absence from Sierra Leone, illness or any other cause from performing the duties of his office, the President may appoint another person to hold office in his place until such time as the President is satisfied that the incapacity of that person has terminated or until the term of the member expires, whichever first occurs.

(5) A member of the Commission, other than an ex-officio member, who is absent from three consecutive meetings of the Commission without reasonable cause shall cease to be a member.

(6) The President may, in writing remove a member of the Commission for inability to perform his functions by reason of infirmity of mind or body or for misconduct.

Functions of
the
Commission.

42. (1) The Commission shall be responsible for the following –

- (a) the overall development of human resource policy;
- (b) developing performance appraisal system;
- (c) setting out service delivery standards; and
- (d) monitoring of compliance

(2) Without prejudice to the generality of subsection (1), the Commission shall–

- (a) in collaboration with the Public Service Commission and the HRMO create a mechanism for inter-Local Council transfer of staff and for mobility of staff from Local Councils to central Government and vice-versa;
- (b) after consulting the Public Service Commission, develop a common scheme of service and performance appraisal systems that will enable staff in central and local government to have equal opportunity in determining their promotion and career development ;
- (c) after consulting with the Public Service Commission, develop policy guidelines for the recruitment, training, promotion, remuneration and discipline of staff of Local Councils including guidelines setting out disciplinary and arbitration procedures and procedures for handling of petitions ;
- (d) set staff performance or standards within which Local Council staff carry out their functions;
- (e) develop professional standards and guidelines for the various categories of staff of Local Councils in collaboration with professional bodies;
- (f) assist in carrying out organisational and job analysis for Local Councils ;

- (g) in collaboration with the ministry responsible for finance, Public Service Commission and Human Resource Management Office and any other institutions responsible for managing wages, salaries and compensation, ensure that staff of the Local Councils are paid by or through the Local Councils;
- (h) promote equal opportunity practices with local councils;
- (i) prepare and submit to Parliament an annual report of its activities

Remuneration.

43. The Chairman and other members appointed under sub-paragraph (e) of section 40 (1) shall be paid remuneration determined by the Minister after consultation with the Minister responsible for finance.

Meetings.

44. (1) The Commission shall meet for the dispatch of its business at such time and in such place as the Chairman may determine, but shall meet at least once in every three months.

(2) The Chairman shall, upon the written request of not less than one-third of the members of the Commission, convene a special meeting of the Commission.

(3) The quorum at a meeting of the Commission shall be five members.

(4) The Chairman shall preside at all meetings of the Commission at which he is present, and in his absence a member of the Commission elected for that purpose by members of the Commission present at the meeting shall preside.

(5) Decisions of the Commission shall be by majority vote of the members present and voting at a meeting, and in the event of an equality of votes, the Chairman or other person presiding shall have a second or casting vote.

(6) The Commission may co-opt any person to attend any of its meetings, but no co-opted person shall vote at the meeting.

(7) Subject to this Act, the Commission shall regulate the procedure for its meetings.

45. The Commission may for the discharge of its functions appoint one or more committees consisting of members of the Commission, non-members or both to perform specific functions and report to the Commission Committees.

46. (1) The Commission shall be serviced by a secretariat Secretariat.

(2) The secretariat shall consist of a Secretary and other staff as may be required for the efficient discharge of the functions of the Commission.

(3) The Secretary and other staff of the Commission shall be public officers and shall be recruited by the Human Resource Management Office .

(4) The Secretary shall be the head of the secretariat and shall be responsible to the Commission for—

- (a) the day-to-day administration of the affairs of the Commission;
- (b) the recording and keeping of minutes of the Commission;
- (c) the supervision and control of the staff of the Commission;
- (d) providing technical and other support to the Commission to enable it carry out its functions;
- (e) implementing the decisions of the Commission ; and

- (f) performing other duties as the Commission may determine

Departments **47.** (1) Each local council shall establish the following departments after consulting the Commission-

- (a) Administration Department;
- (b) Planning and Development Department;
- (c) Finance Department;
- (d) Internal Audit Department; and
- (e) Thematic Functional Department;

(2) Each local council shall be responsible for the preparation, administration and control of budgetary allocations of the departments.

Procurement. **48.** Every local council shall invite, tenders and process procurement contracts in accordance with existing Government guidelines on procurements.

PART VII-FINANCIAL MATTERS

Finance. **49.** (1) A local council shall be financed from-

- (a) its own revenue collections;
- (b) central government grants for devolved functions; and
- (c) transfers of services delegated from Government Ministries

(2) A local council shall make adequate efforts to collect revenues from its own sources.

(3) Grants shall be provided to a local council in accordance with sections 49, 50 and 51.

(4) A local council's revenue sources shall comprise the following -

- (a) grants (recurrent and capital) for devolved functions from the Government;

- (b) development grants to promote local economic development;

- (c) grants for devolved services from the MDAs;

- (d) precepts from local taxes;

- (e) property tax;

- (f) licences;

- (g) fees and charges;

- (h) share of mining revenues;

- (i) interests and dividends ; and

- (j) any other revenue due to the Government but assigned to Local councils by the minister responsible for finance by statutory instruments.

50. (1) Each year a local council shall be paid tied grants- Grants for Local council

- (a) for the discharge of the devolved functions;
- (b) for the development of its locality;
- (c) towards its administrative cost

(2) The total amount of grants to be allocated to Local Councils each year shall form part of the national budget and shall be published by Government Notice and in national newspapers.

(3) When presented in the national budget, the total amount of the grants to a Local Council shall not be changed unless the total amount of funding is changed and in such circumstances the changes for individual local councils shall be based on recommendations of the Local Government Finance Committee.

Grants for
Local
Council
Administrative
Cost.

51. (1) A tied grant shall be paid to a Local Council towards its administrative costs.

(2) The allocation of the grant referred to under subsection (1) shall be based on objective factors reflecting expenditure needs, local revenue capacity financial and administrative performances of the Council.

Distribution
of grants.

52. (1) The allocation of each tied grants for devolved services shall be recommended to the Local Government Finance Committee by the Ministry responsible for the function that is the subject of a tied grant, and shall be based on principles of equity

(2) The allocation of untied grants shall be based on the relative needs of the local councils to provide services for their residents and the relative capacities of the councils to raise revenue.

Grants for
Devolved
Services.

53. (1) Parliament shall appropriate to a Local Council as a tied grant for each devolve service at least the amount necessary to continue the operation and maintenance of that service at the standard to which it was provided in the year prior to its devolution

(2) Parliament shall appropriate to a Local Council the amount that enables the council to provide devolved services at an appropriate standard

(3) Annual changes in the total grants appropriated for devolved services to a local council as a whole shall not be less advantageous than the annual changes in the total budgetary appropriation made to ministries.

(4) Parliament may specify the functions on which these untied grants may be spent so as to ensure that national priorities and standards of service are met.

Basis of
distribution
of grants.

54. (1) Allocation of untied grants shall be based on the relevant needs of the Local Council to provide services for its residents and the relative capacities of the Local Council to raise revenue.

(2) All funding from MDAs to Local Councils for devolved services shall form part of the inter governmental transfer system.

55. (1) A local council dissatisfied with the distribution of any grant may appeal to the Minister.

(2) An appeal under subsection (1) shall be accompanied by a detailed statement of how the allocation does not conform to the principles on which the distribution is to be based.

(3) Applying procedures specified in law, the Minister shall consider and determine the outcome of the appeal within thirty days of its receipt and shall make public the reasons for his findings within fourteen days of his decision.

56. (1) Payments shall be made to a local council on a quarterly basis subject to the local council's compliance with conditions attached to previous payments by the ministry responsible for finance. Mode of
Payment.

(2) Grants and transfers to a local council shall be paid by the Ministry responsible for finance directly into the bank account of the local council.

57. (1) There is hereby established the Local Government Finance Committee which shall consist of— Finance
Committee

(a) a senior representative each not below the level of Director from the Ministry, the ministry responsible for finance and the Ministry responsible for Development who shall be ex-officio members; and

(b) 5 other persons from each region with considerable knowledge of public finance appointed by the Minister, one of whom shall be Chairman.

Meetings of
finance
Committee.

58. (1) The Committee shall meet for the dispatch of its business at least once every quarter and at such time as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Committee if present and in his absence, members of the Committee present shall appoint a member from among themselves to preside at that meeting.

(3) The Local Government Finance Committee may co-opt other persons it deems necessary to assist it in the performance of its duties.

(4) The quorum at any meeting of the Committee shall be 3.

(5) Subject to this section, the Local Government Finance Committee shall regulate the procedure for its meetings.

Tenure of
office for
members of
finance
Committee.

59. (1) The members of the Local Government Finance Committee, other than ex officio members shall be appointed for three years and shall on the expiration of that term, be eligible for re-appointment for only one further term.

(2) Any member of the Local Government Finance Committee, other than an ex-officio member, may resign his office in writing addressed to the Minister.

(3) Where the office of a member of the Local Government Finance Committee, other than an ex-officio member, becomes vacant through death, resignation or any other cause before the expiration of that member's term of office, the Minister shall appoint another person, in the place of that member, to hold office for the unexpired term of office of that member.

(4) Where it appears to the President, on the written recommendation of the Minister, that any member of the Local Government Finance Committee is incapacitated by absence from Sierra Leone, illness or any other cause, from performing the duties of his office, the President may appoint another person to hold that member's office until such time as the President is satisfied that the incapacity of that member has terminated or until the term of the member expires, whichever first occurs.

(5) A member of the Local Government Finance Committee, other than an ex-officio member, who is absent from three consecutive ordinary meetings of the Committee without reasonable cause, shall cease to be a member.

(6) The President may, in writing remove a member of the Local Government Finance Committee for inability to perform the functions of a committee member by reason of infirmity of mind or body or for misconduct.

60. The Local Government Finance Committee shall;

Functions of
the finance
Committee.

- (a) attend Local Council monthly meetings
- (b) visit Local Councils to follow up on implementation of devolved functions and challenges therein
- (c) review draft budget of all Local Councils to ascertain compliance with budget call circular
- (d) Perform any other function as may be determined by the Ministry of Finance"

61. The Chairman and other members of the Local Government Finance Committee appointed under subparagraph (b) of section 57 shall be paid such remuneration as shall be determined by the Minister after consulting the Minister responsible for Finance, subject to the approval of Parliament.

Remuneration

62. The Local Government Finance Committee shall

Grant
Allocation.

- (a) recommend to the Minister the amount of grant allocations to each local council; and
- (b) indicate the formulae used in arriving at the various amounts recommended.

Licences

63. (1) A local council shall issue a licence to any person in a locality who—

- (a) establishes or maintains premises from which to practise any trade, business or profession;
- (b) owns any cart, wagon or other non-motorised vehicle or canoe; or
- (c) holds any concert, dance, musical, theatrical or other entertainment.

(2) A local council shall charge fees as it may determined for the issuance of a licence.

(3) A non-motorised vehicle for which a licence is issued under subsection (1) shall have affixed on it the number plate assigned to it by the local council.

(4) A licence shall not be issued under subsection (1) in respect of any vehicle which the local council is satisfied is in such condition as to endanger persons or property or cause unnecessary suffering to any animal pulling it.

Fees. **64.** A local council shall charge fees for—

- (a) the use of markets;
- (b) the use of bus, taxi, car or lorry parks;
- (c) the extraction of fish, timber, sand and other building materials; and
- (d) other services provided by the councils.

65. Revenue raised from local taxes other than those collected by the Government shall be shared between the Local Councils and the Chiefdom Councils under the supervision of the Minister. Sharing of Revenues

66. (1) A local council shall— Local Taxes

- (a) 3 months before the end of each financial year determine the amount of local tax to be paid during the forth coming financial year by every person liable to pay the tax within each locality subject to the approval of the Minister; and
- (b) determine the percentage of the local tax to be paid to it, to be called the precept as it may by resolution determine and as it requires as revenue

(2) A local council shall notify each Chiefdom Council in its administrative area where applicable, of the amount of the local tax and the precept for the forth-coming financial year, not later than two months before the end of each financial year.

(3) A person who has attained the age of 18 years shall be eligible to pay local tax,

(4) The tax rate shall be reviewed every two year subject to the approval of the Minister.

(5) The Chiefdom Councils shall, where applicable, collect the local tax and pay the precept to the local council.

(6) The schedule of sharing precepts to all stakeholders shall be determined by the Local Council before the end of the year and gazetted by the Minister after consultation with the ministry responsible for finance.

Mining revenue. **67.** A local council shall be entitled to a share of revenue from mining activities determined by the Ministry after consulting the Minister responsible for Mines and mineral resources.

licences **68.** (1) A licence may be issued under this Part subject to such conditions as may be contained in any bye-laws or, where there is no provision in the bye-laws, such conditions as the local council may think fit.

(2) Any condition stipulated in a bye-law or by a local council shall be endorsed in detail or by reference on the licence.

(3) licences issued under section 63 and section 68 shall not be transferable.

(4) A person required to hold a licence referred to in this Part who, upon demand being reasonably made by any authorised officer of the local council fails to produce his licence for inspection, commits an offence and is liable on conviction to a fine not less than Nle5, 000.00 or to a term of imprisonment not less than three months, or to both the fine and imprisonment.

(5) A person who, without the appropriate licence, does anything for which a licence is required under this Part or who, being the holder of a licence issued under this Part contravenes any of the conditions contained in the licence, commits an offence and is liable on conviction to a fine not less than Nle5,000.00 or to a term of imprisonment not less than three months, or to both the fine and imprisonment.

(6) A person who lets out, hires, lends or borrows a licence or who not holding a valid licence produces, exhibits, or uses a licence, contravenes sub section 3 commits an offence and is liable on conviction to a fine not less than Nle6,000.00 or to a term of imprisonment not less than six months or to both the fine and imprisonment.

(7) A local council may revoke a licence when the holder has been convicted of an offence under subsection (5) or (6).

69. Subject to this Act, a local council may incur all expenditure necessary for or incidental to the carrying out of any functions conferred on it under this Act or any other enactment, provided that the expenditure is included in the approved budget of the local council. Expenditure.

70. A local council shall open and maintain a bank account for all revenues and monies raised or received by it under this Act or any other enactment. Bank account

71. (1) Subject to subsection (2), a local council may invest any portion of monies of the council in stocks and bonds or in such other investment as the council may approve. Investment

(2) The Minister shall, after consulting the Minister responsible for finance, make regulations concerning investment of funds by local councils.

72. (1) Subject to this section a local council may raise loans or obtain overdraft within Sierra Leone for a certain amount, from a specified source, for identified purposed and on certain conditions as the Minister may approve after consulting the minister responsible for finance. Power to Borrow

(2) The approval referred to under subsection (1) shall not be required where the loan or overdraft to be raised does not exceed a certain amount.

(3) The Minister may after consultation with the minister responsible for finance make regulations setting out the amount which does not require an approval.

Irrecoverable
Debts

73. (1) Subject to subsection (2), a local council may, by resolution, write off as irrecoverable, in any year, any sum due or payable to the council from or by any person for any reasonable cause where the sum due and payable to the council does not exceed a certain amount as the Minister may, with the approval of Cabinet and by notice published in the Gazette, determine.

(2) The local council shall, within twenty-one days after the end of each quarter, inform the Minister in writing of the total sum written off during that quarter and the reasons for doing so.

Budget

74. (1) A local council shall cause to be prepared for its approval a budget for each financial year three months before the beginning of that year.

(2) The budget shall—

- (a) subject to subsection (3) of section 92 reflect the priorities of the locality as contained in the local council's development plan;
- (b) balance income and expenditure by way of annual financial estimates of revenue and expenditure;
- (c) be prepared in accordance with procedures prescribed by law; and
- (d) be a public document and shall be posted on the notice board of the local council when approved by the council and during the whole of the financial year to which it applies.

(3) A copy of the budget shall be submitted to the Commission and the Local Government Finance Committee.

(4) The Ministry responsible for finance shall, after consultation with the Ministry issue guidelines for the preparation of budgets under this section.

75. A local council may use its assets for the generation of income for the council. Use of assets.

PART VIII—PROPERTY RATES

76. (1) The property rates provided for in the estimates of a local council in any financial year shall be a uniform rate on the assessed annual value of assessed buildings and shall be a single rate in respect of each class of assessed buildings. Property rates.

(2) The rates provided for in the estimates approved by a local council (hereinafter referred to as the approved rate) shall be imposed and levied by the local council and shall, subject to this Act be payable by the owner to the council on such date as the council may by notice to the owner determine.

(3) A local council may, by resolution approve payment of rates in two or more equal instalments to be paid within one financial year.

(4) Where full payment is not made the resolution referred to under sub-section (3) shall state the period within which the owner shall be deemed to have refused or neglected to pay.

77. All buildings within a locality shall be liable to be assessed in accordance with this Part except - Assessment of Buildings and Lands.

- (a) any church, chapel, mosque, meeting-house or other buildings exclusively used for public religious worship;
- (b) buildings use as public hospitals and clinics;
- (c) buildings used for charitable purposes;
- (d) buildings use for public educational purposes including public universities, colleges and schools;
- (e) sacred lands;

- (f) buildings on burial grounds and crematoria; and
- (g) buildings owned by diplomatic missions approved by the ministry responsible for foreign affairs.

Establishment of valuers and assessment Committee.

78. (1) A Local Council may for the purposes of this Part establish a committee to be known as the Valuers and Assessment committee.

(2) The Local Council shall determine among the members of the local council who shall be appointed members of the Valuers and Assessment Committee

Valuation Lists.

79. (1) Valuation Lists or Rolls showing the assessed annual value of all buildings assessable under this Part shall be prepared by the valuers and approved by the local council on the recommendation of the Assessment Committee in accordance with Part I of the Fourth Schedule.

(2) Any person owning or in occupation of or interested in any assessable building shall be entitled to inspect the valuation lists or rolls and make copies from them on payment of a fee to be determined by the local council.

Objections

80. (1) Objections to and amendments of any valuation list or roll shall be determined and made in accordance with the procedures prescribed by the Minister.

(2) Every valuation list or roll shall remain in force until it is replaced with a new list or roll.

Rate books.

81. A local council shall keep a rate book as set out in Part II of the Fourth Schedule and the rate book shall be open for inspection during office hours.

Occupied or unoccupied buildings.

82. (1) Rates shall be payable whether the building is occupied or unoccupied.

(2) Where it is shown to the satisfaction of the local council that an assessed building or a part of it has been demolished or removed during any financial year, the council shall, on the application of the person who has paid the amount of the rate payable in respect of the building, order to refund to that person a proportion of the amount paid as the council may consider reasonable having regard to all circumstances; except that, in the case of a demolition or removal otherwise than by order of the council or a court, no refund shall be made unless the owner of the building has, within thirty days of the demolition or removal, given notice in writing to the council.

83. The Minister may, after consulting the Minister responsible Guidelines for finance issue guidelines for the making and levying of rates.

84. The amount of approved rate together with any levy or expenses (if any) shall be a charge on the building and the charge shall have priority over all other claims except claims by Government until it is paid. Priority of claims

85. (1) Where an owner who is liable to pay a rate or his agent refuses to pay such rate at the time and in the manner prescribed for such payment the District Council Chairman shall issue a warrant to the bailiff of the local council authorising him to levy the warrant on the moveable property of the owner and sell such property by public auction to the highest bidder within ninety days of levying the warrant. Refusal to Pay rates.

(2) The warrant shall be in the format as set out in Form 1 of the Fourth Schedule.

(3) The bailiff shall cause notice of the sale to be advertised at least five days before the sale.

(4) Any money arising out of the sale shall be applied to the payment of the rate and other expenses incurred as a result of the sale and the surplus if any shall be returned to the owner or person entitled to it.

Insufficient
Amount

86. (1) Where the bailiff referred to under section 85 finds no movable property or the amount realised from the sale is insufficient, the District Council Chairman shall issue another warrant authorising the bailiff to demand payment of the amount stated in the warrant from the occupier of the building.

(2) Where the occupier of the building fails to pay the amount within ninety days the bailiff shall levy the warrant on the moveable property of the occupier.

(3) The warrant shall be in the format as set out in Form 2 of the Fourth Schedule.

(4) An occupier may deduct any money paid by him under subsection (2) from the amount of rent payable by him to the owner and if a levy is made on his moveable property, he may also deduct the amount of the levy from the rent.

Sale of
Building

87. Where

- (a) remedies outlined under sections 85 and 86 fail to realise the full amount of the approved rate together with any costs; and
- (b) the amount remains unpaid 6 months after the date on which the default occurred

the local council shall apply to the court for the sale of the building

PART IX—ACCOUNTS AND AUDIT

Books of
Accounts .

88. (1) A local council shall keep proper books of accounts and proper records in relation to the accounts and shall, within the first quarter of the next financial year, prepare a statement of its final accounts in conformity with existing financial regulations.

(2) The accounts and financial statements of a local council shall be audited by the Auditor-General or an auditor appointed by him within six months after the close of the financial year, and the council shall provide the auditors with all the necessary and appropriate facilities for the examination of the accounts and statements of the council.

(3) The Auditor-General shall submit a report of the audit to the local council concerned and the Minister.

(4) The Auditor-General shall draw attention to any irregularities in the accounts in the report.

(5) The accounts and the Auditor-General's report shall be public documents and shall be posted in a conspicuous place in the locality for public scrutiny.

(6) The District Council Chairman shall lay the annual accounts together with the Auditor-General's report before the local council within thirty days of receipt of the report.

(7) The District Council Chairman shall submit a report to the Minister on actions taken by the local council on the report within sixty days of receipt of the report.

(8) The Minister shall lay the report of the Auditor-General and a report of actions taken thereon if any, before Parliament.

89. (1) The Auditor-General shall have the power to disallow any item of expenditure which is contrary to this Act and to surcharge—

Auditor-
General to
surcharge

- (a) the amount of any expenditure disallowed on the person responsible for incurring or authorising that expenditure;
- (b) any sum which has not been duly brought into account upon the person by whom the sum ought to have been brought into account; or

- (c) the amount of any loss or deficiency upon the Local council, any member of the council or any person by whose negligence or misconduct the loss deficiency incurred, and shall give notice to the person affected.

(2) In giving notice of any disallowance or surcharge under subsection (1), the Auditor-General shall state in writing the grounds upon which his decision is based.

(3) A person against whom a disallowance or surcharge was made by the Auditor-General may appeal to the High Court not later than thirty days after the Auditor-General has given notice of the disallowance or surcharge.

(4) Any sum certified by the Auditor-General to be due from any person shall be paid by that person to the local council or other body concerned within thirty days after it has been so certified or, if an appeal with respect to that sum has been made under subsection (3), within thirty days after the appeal is finally disposed of or abandoned or fails by reason of non-prosecution.

(5) The local council shall ensure that all monies surcharged under subsection (1) are collected and paid into the account of the local council.

Recovery of
sums due.

90. (1) Any sum which is certified by the Auditor-General to be due and which has become payable shall be recoverable as a civil debt.

(2) In a proceedings for the recovery of the sum, referred to under subsection (1) a certificate signed by the Auditor-General shall be conclusive evidence of the facts certified; and a certificate signed by an officer of the local council concerned, whose duty it is to keep the accounts to the effect that the sum certified to be due has been paid, shall be conclusive evidence of the facts in it.

(3) Any person aggrieved by a decision of the Auditor-General may appeal to the High Court.

(4) The High Court may, on an appeal, confirm, vary or quash the decision of the Auditor-General and remit the case to him with such directions as the Court thinks fit for giving effect to the decision on appeal.

PART X—INTERNAL AUDIT

91. (1) Every local council shall establish an Internal Audit Department. Internal audit.
Department.

(2) The Head of the Internal Audit Department shall, at intervals of three months, prepare a report on the internal audit work carried out by the Department during the three months immediately preceding the preparation of the report, and submit it to the local council.

(3) The Head of the Internal Audit Department shall make in each report any observations which appears necessary to the conduct of the financial affairs of the local council during the period to which the report relates.

(4) A copy of the report shall be submitted to the Minister.

PART XI—DEVELOPMENT PLANNING

92. (1) A local council shall prepare a development plan which shall guide the development of the locality. Development plan.

(2) A draft development plan shall be made available to the public

(3) A development plan shall form the basis for the preparation of the budget of a local council.

(4) A local council before approving or reviewing a development plan shall consult residents of the locality, agencies of Government and non-governmental and international organisations that have interest in the development of the locality.

(5) The Ministry responsible for development and economic planning shall issue guidelines for the preparation of development plans.

Technical
planning
Committee.

93. For the purposes of subsection (1) of section 92, a local council shall appoint a Technical Planning Committee which shall consist of—

- (a) the Local Council Chief Administrator who shall be the chairman of the committee;
- (b) heads of relevant department of the local council; and
- (c) any technical person co-opted by the local council Chief Administrator

Review of
development
plans.

94. A local council shall review its development plan as and when necessary.

Availability
of
Development
Plan.

95. Immediately after the approval of a development plan a copy of the plan shall be made available at the office of the local council and posted in a conspicuous place in every ward.

Development
plans to be
compatible.

96. A development plan prepared and approved by a local council shall not be incompatible with any national development plan adopted by the Government.

PART XII—LOCAL GOVERNMENT ECONOMIC DEVELOPMENT

Local
economic
Development.

97. (1) A local council shall create the enabling environment that facilitates local economic development for the private sector and in appropriate case outsource activities to the private sector

(2) A local council shall establish mechanisms to support simple public private partnership scheme that will benefit local poor people with special attention to youths, women and persons with disabilities

(3) The Ministry in collaboration with local councils shall develop a regional development plan to stimulate regional growth and development.

(4) The Ministry in collaboration with Local Councils shall promote inter-district trade.

(5) The Ministry shall provide platforms for sharing information amongst local councils on good practices and lesson learnt in local economic development and small and medium enterprise support

PART XIII-BYE-LAWS

98. (1) A local council may make bye-laws not inconsistent with the Constitution or this Act or any other enactment for the purpose of any function conferred on it by or under this Act or any other enactment. Bye laws

(2) A local council may in its bye-laws—

- (a) specify as penalty a fine not exceeding Nle5,000.00 or a term of imprisonment not exceeding six months or both the fine and imprisonment;
- (b) in the case of a continuing offence specify a further penalty not exceeding Nle 100.00 for each day on which the offence is continued after written notice has been served on the offender;

- (c) provide for the payment of any fees or charges as the council may think fit; and
- (d) specify that the bye-laws shall apply throughout the locality or to an area of the locality.

(3) Bye-laws made by a local council shall be read and construed subject to the provisions of this Act and any other enactment.

Uniform bye
Laws.

99. Where the Minister is of the opinion that uniform provisions may reasonably be made in respect of a matter for which bye laws may be made under this Act, the Minister may after consulting any local council to be affected make uniform bye-laws by statutory instrument in respect of the matter.

Validity of
bye laws .

100. (1) A bye-law made by a local council shall be signed by the District Council Chairman.

(2) A bye-law shall, before being signed by the District Council Chairman, be forwarded to the Minister who shall request the Attorney General to advise him whether the bye-law is inconsistent with the Constitution, this Act or any other enactment.

(3) Where the Minister, on the advice of the Attorney General, is of the opinion that the bye-law is—

- (a) inconsistent with the Constitution, this Act or any other enactment , he shall within 90 days of receipt of the bye-law return it with his comments to the local council for modification or other appropriate action ; or
- (b) not inconsistent with the Constitution, this Act or other enactment , he shall certify accordingly and return the bye-law to the local council.

(4) A bye-law shall, be laid before Parliament in accordance with subsection (7) of section 170 of the Constitution and shall be published in the Gazette, in a newspaper circulating in the locality, broadcast on a local radio and posted in all wards.

101. A copy of each bye-law made by a local council shall be made available at the office of the local council and shall at reasonable times be open to public inspection without the payment of any fees.

Copy of bye
laws to be
made
available at
local
councils
offices.

102. (1) A local council may, where it considers that a local custom or tradition impedes or acts as an obstacle to the development of the locality or obstructs the local council in the performance of functions, consult the relevant traditional authority for the purpose of resolving the matter.

Bye laws
altering
local
customs.

(2) Where the matter has been resolved to the satisfaction of the local council and the traditional authority, the council may, if it thinks necessary make bye-laws altering or modifying such local custom or tradition.

(3) Where the matter is not resolved, the aggrieved party may appeal to the Ministry.

PART XIV—WARD COMMITTEES

103. (1) A local council shall establish a Ward Committee for each ward within the locality.

Ward
Committees.

(2) A Ward Committee shall consist of—

- (a) each councillor elected from that ward;
- (b) the Paramount Chief of the Chiefdom, in the case of localities with a system of chieftaincy; and
- (c) not more than ten other persons, at least five of whom shall be women, resident in that ward and elected by the ward residents during a public meeting.

(3) The ward residents shall be given notice of the meeting referred to under paragraph (c) of subsection (2) seven days before the meeting

(4) Ward Committee members shall not receive any remuneration or allowances.

Functions of
Ward
Committees.

104. (1) A Ward Committee shall—

- (a) mobilise residents of the ward for the implementation of self-help and development projects;
- (b) provide a focal point for the discussion of local problems and needs and take remedial action where necessary or make recommendations to the local council accordingly;
- (c) organise communal and voluntary work especially with respect to sanitation;
- (d) make proposals to the local council for the levying and collection of rates for special projects and programmes; and
- (e) educate residents on their rights and obligations in relation to local government and decentralisation;

(2) One of the Councillors shall be elected to chair meetings of a Ward Committee.

(3) The Chairman of a Ward Committee shall be responsible for presenting committee recommendations and proposals to the local council.

(4) Subject to this section, a Ward Committee shall regulate the procedure for its meetings.

(5) All Ward Committee meetings shall be open to the public.

(5) The Ward Committee shall notify residents of the ward of any meeting seven days before the meeting.

PART XV—RESPONSIBILITIES OF THE MINISTRY

105. (1) The Ministry shall inspect and monitor the activities of a local council to ensure that it acts within the scope of this Act or any other relevant enactment.

Ministry to
inspect and
Monitor
local
councils.

(2) A local council shall submit to the Ministry all the relevant documents required by the Ministry in the inspection and monitoring of the activities of the council.

(3) Subject to any other enactment, an authorised person carrying out the inspection shall have powers to —

- (a) enter and inspect the premises or property of any local council;
- (b) inspect books of accounts, records and any other documents and require any person to produce any document or item connected with the case being investigated; and
- (c) look into any matter on his own initiative or upon complaint made to him by any member of the public whether or not that person has personally suffered any injustice

(4) Where the Ministry finds that a local council is not performing adequately within its areas of responsibility, it shall determine —

- (a) the reason for the inadequate performance;
- (b) how the performance can be improved;

- (c) the type of action or intervention that is needed; and
- (d) the support or capacity building that should be given to the council to strengthen its management in order for the council to exercise its functions and powers properly.

(5) The Ministry may, for the purpose of improving the performance of the local council performing inadequately in writing direct or advice the local council to perform its functions in such manner and within such time as it may specify.

(6) Where the local council does not have the capacity to improve its performance the Ministry shall undertake the functions on the Council's behalf and take immediate steps to develop the necessary capacity of the council and may for this purpose consult any Government Ministry or Department.

(7) Where a local council fails or refuses to improve its performance within ninety days, the Minister may reduce or withhold any grants or funds due to the local council until the Minister is satisfied that the function or service will be provided adequately.

(8) The Minister shall communicate any action taken under subsection (1) and the reason for such action to the people in the locality.

Mediation

106. (1) The Ministry shall mediate in any problem, uncertainty or dispute that has not been resolved to the mutual satisfaction of –

- (a) two or more local councils;
- (b) a local council and a Ministry or other agency of Government including a matter relating to the delegation of powers or functions; or
- (c) a local council and a national organisation

(2) Where the Ministry is unable to resolve the problem, uncertainty or dispute to the satisfaction of the parties, it shall report the matter and make recommendation to the Inter-Ministerial Committee for its decision.

107. (1) The Ministry shall ensure that any proposed agreement – Approval of agreements.

- (a) by a Minister or agency of government to delegate a power or function to a local council
- (b) or arrangement between a local council and a national or international organisation

contains all the terms and conditions required by the Inter-Ministerial Committee established under section 121 and shall approve such agreement or arrangement.

(2) The Ministry shall–

- (a) in respect of paragraph (a) of subsection (1) monitor the implementation of an approved agreement to ensure that the agreed capacity and recourses including fees are delivered or made;
- (b) report any shortcoming or deficiency by a Ministry, national or international organisation to the Inter-Ministerial Committee for appropriate action ;
- (c) mediate and resolve any dispute or disagreement between the Ministry, agency, organisation and the local council; and
- (d) recommend to the Inter-ministerial Committee any appropriate changes to the agreement.

President to take over administration of local councils.

108. (1) The President may, with the approval of two-thirds of all the members of Parliament, assume the powers of any local council where –

- (a) the local council so requests and if it is in the public interest to do so;
- (b) a state of emergency has been declared in that locality;
- (c) it has been extremely difficult or impossible for a local council to function ; or
- (d) the local council persistently acts beyond its powers

(2) The exercise by the President of the power conferred under subsection (1) may be done through a person or body of persons as the President may appoint.

(3) Unless approved by Parliament for a longer term, the exercise of the power conferred by this section shall be for a period not exceeding ninety days.

(4) Upon the expiration of the period referred to under subsection (3), the President shall hand back the administration of the locality to the incumbent local council or if Parliament decides that the prevailing circumstances still make it impossible for the incumbent local council to assume the administration of the locality then the President shall-

- (a) cause elections to be held for a new local council within sixty days where the unexpired term of the council is longer than twelve months ; or
- (b) Continue to administer the locality until the next elections are held where the unexpired term of the local council is less than 12 months

109. (1) There shall be established in each region of Sierra Leone a committee to be known as the Regional Coordinating Committee. Regional Coordinating Committee.

(2) A Regional Coordinating Committee shall consist of–

- (a) the Resident Minister who shall chair the meetings of the Committee;
- (b) the regional coordinator who shall be the Secretary ;
- (c) the District Council Chairman of each local council in the region ; and
- (d) the local council chief Administrator of each local council in the province but shall not have the right to vote

(3) In the absence of a Resident Minister, the regional coordinator shall chair meetings of the Regional Coordinating Committee and the members shall appoint one of their number to act as secretary.

110. (1) A Regional Coordinating Committee shall–

- (a) coordinate the activities of the Local Councils in the Region;
- (b) ensure that local councils collaborate for the effective execution of development programmes in which the councils are jointly interested;
- (c) review and coordinate the provision of public services in the region ;

Functions of Regional coordinating Committee.

- (d) resolve conflicts between and within local authorities including local councils , chiefdoms and agencies of non-devolved sectors;
- (e) perform other functions as may be assigned by the Minister.

Meetings

111. (1) A Regional Coordinating Committee shall meet at least once every three months at such place as the Resident Minister or regional coordinator , as the case may be, shall determine.

(2) A Regional Coordinating Committee shall submit quarterly report to the Ministry and the Ministry shall forward the report to the Inter-Ministerial Committee

(3) Subject to this Part, a Regional Coordinating Committee shall regulate the procedure for its meetings.

District Development Coordination Committee.

112. (1) There shall be established in each district of Sierra Leone a Committee to be known as the District Development Coordination Committee"

(2) The District Development Coordination Committee shall consist of

- (a) The District Council Chairman of Local Council who shall serve as chair and Mayor serving as co-chair to meetings of the Committee for districts with two local councils;
- (b) The Chief Administrator;
- (c) The Development Planning Officer who shall be the Secretary to the Committee;

- (d) Councilors of Committees of Council on Development Planning, Budget & Finance, Agriculture, Education and Health Committee;
- (e) Host Paramount Chief, Chairman District Council of Paramount Chiefs who shall serve as permanent members and 2 other Paramount Chiefs servicing in rotational capacity for localities with a system of Paramount chieftaincy;
- (f) 4 headmen, two on permanent basis and 2 on a rotational basis for the Western Area Rural District;
- (g) 4 tribal headmen, two on a permanent basis and 2 on a rotational basis for Western Area Urban;
- (h) head of relevant Departments of Council;
- (i) District Functional Head of key MDAs;
- (j) 2 NGO Representatives, 1 INGO and 1 NNGO;
- (k) 1 representative each from none-state actors such as representatives from Youths, Women, PWD, CSO, media, District Budget Oversight Committee and 2 religious' representative;
- (l) representative from key private sector operatives in the district;
- (m) co-opted technical person responsible for strengthening district development co-ordination"

(3) (a) There shall be a DDCC National Secretariat anchored at the Ministry responsible for development and economic planning with the Development Secretary serving as chair and the Permanent Secretary in the ministry responsible for Local Government as co-chair. The National Secretariat shall be the technical arm that coordinates the operations of the DDCC nationwide.

(b) There shall be a steering committee that provides general policy direction and oversight to ensure strengthening of Development Coordination at both National and Local Levels.

Functions of
the District
Development
Coordination
Committee”.

113. The District Development Coordination Committee shall:

- (a) Meet to discuss, report & follow-up on all development interventions in the district;
- (b) Monitor & track progress on the implementation of the District Development Plan;
- (c) Identify issues that impede implementation of the District Development Plan;
- (d) Develop strategies to address impeding factors to District Plan implementation;
- (e) Facilitate development partner mapping and mirror progress made by sector working groups at district level;
- (f) Coordination of NGOs, Sectors and partner interventions in the district;
- (g) Coordinate district level Planning & Plan implementation;

(h) Enhance general development communication

(i) submit bi-monthly report to the Ministry responsible for development and economic planning, Ministry responsible for Local Government and the Regional Co-ordinating Committee on its activities"

114. (1) The District Development Coordination Committee Meetings. shall meet once every two months at Local Council premises, in districts where there are two local councils meetings shall be held on rotational basis .

(2) In the absence of the District Council Chairman or Mayor, the Deputy District Council Chairman or Deputy Mayor shall chair Committee meetings.

(3) Subject to this part, the District Development Coordination Committee shall regulate the procedure for its meetings, this shall be consistent with its standard operating procedures.

PART XVI–TRANSPARENCY, ACCOUNTABILITY AND PARTICIPATION

115. A councillor or appointed or assigned member of staff of a local council shall be subject to any legislation relating to anti-corruption. Anti-Corruption Act.

116. (1) A councillor or appointed or assigned member of staff of a local council shall not later than thirty days after assuming or leaving office make a declaration of assets in such form as the Anti-Corruption Commission may determine. Declaration of assets.

(2) The original and other copies of the declaration shall–

- (a) in the case of Councillors be submitted to the Ministry and the Anti-Corruption Commission respectively;

- (b) in the case of appointed staff be submitted to the Commission and the Anti-Corruption Commission respectively; and
- (c) in the case of assigned staff be submitted to the Public Service Commission and the Anti-Corruption Commission respectively.

Inventories **117.** A local council shall take and cause to be maintained a comprehensive inventory of the assets of the council on an annual basis, and shall submit it to the Ministry.

Receipts **118.** (1) All revenues of local councils shall be documented in receipts on special numbered forms made by the Government Printer.

(2) A member of the staff of a local council—

- (a) who falsifies revenue receipts;
- (b) uses false or duplicate receipts;
- (c) falsifies or misrepresents the recorded values and amounts of revenues; or
- (d) takes any deliberate action which results in the incorrect collection or recording of revenues,

commits an offence, and is liable on conviction to a fine not less than Nle10,000.00 or to a term of imprisonment not less than three years or to both the fine and imprisonment.

(3) The court may, in addition to any penalty imposed under subsection (2) order the dismissal of any person convicted under this section.

Reports posted on notice boards. **119.** (1) A Local council shall post quarterly on a notice board in a conspicuous place on the premises of the council and on a notice board in each Ward for at least twenty-one days—

- (a) monthly statements of financial accounts;
- (b) annual income and expenditure statements;
- (c) inventories of assets of the local councils;
- (d) bye-laws and notices relating to tax rates and fees;
- (e) minutes of council meetings; and
- (f) development plans

(2) Copies of the reports, notices and statements shall be made available on request and on payment of a fee to be fixed by the local council.

(3) A local Council that contravenes sub section 1 commits an offence and is liable to a fine of Nle 25,000.00

120. The Ministry shall promote participatory processes in local councils and encourage citizen's inclusion and involvement in governance. Participatory processes.

PART XVII—INTER-MINISTERIAL COMMITTEE ON DECENTRALIZATION

121. (1) There is hereby established a Committee to be known as the Inter-Ministerial Committee on Local Government and Decentralization. Inter-ministerial Committee On Local Government and Decentralization.

(2) The Inter-Ministerial Committee shall consist of—

- (a) the Vice President who shall be the Chairman;
- (b) the Minister;
- (c) the minister responsible for finance;

- (d) the Attorney General
- (e) the minister responsible for foreign affairs;
- (f) the minister responsible for health
- (g) the minister responsible for development and economic planning ;
- (h) the minister responsible for education ;
- (i) minister responsible for agriculture ;
- (j) the minister responsible for works;
- (k) resident ministers;
- (l) any other ministry that devolves functions to Local Councils; and
- (m) five District Council Chairmen of Local Councils elected from among their number to represent the interest of all Local Councils

Functions of
Inter-
Ministerial
Committee.

122. (1) The Inter-Ministerial Committee shall—

- (a) oversee the proper implementation of this Act;
- (b) oversee the further development and implementation of local government and decentralization;
- (c) protect and promote local democracy and participatory government;
- (d) establish a technical committee which shall provide professional advice to the Inter-Ministerial committee in its policy and oversight functions ;

- (e) receive regular reports from the resident ministers of the Regional Coordinating Committee ;
- (f) monitor implementation of the decentralisation process every two years to assess progress and existing gaps; and
- (g) arbitrate disputes between MDAs , regional administrations and Local Councils.

(2) The Inter-Ministerial Committee may appoint sub-committees to assist it in its functions.

(3) Notwithstanding the generality of subsection (2) the Inter-Ministerial Committee shall be supported by the existing decentralization Secretariat which shall provide professional advice to the Inter Ministerial Committee in its policy and oversight functions.

(4) The Inter Ministerial Committee shall meet on a quarterly basis.

(5) The Inter-Ministerial Committee shall regulate the procedure for its meetings and may require any Minister or public officer to attend its meetings or to provide information required by it or assist it in performing its functions.

PART XVIII—MISCELLANEOUS

123. (1) A local council may be represented in any legal proceedings by an officer of the council authorised by a resolution of the council .

Legal
Proceedings.

(2) The officer shall have the power to institute and carry on any proceedings which the council is authorised to institute subject to the directions of the council.

(3) Service of legal processes and notices on the local council shall be effected by service on the District Council Chairman.

Form of title deeds.

124. (1) The title to any land acquired or leased by a local council shall be in the corporate name of the council

(2) Deeds and contracts to be executed by the council shall be –

- (a) executed in the corporate name of the council;
- (b) sealed with the common seal of the council; and
- (c) signed by the District Council Chairman and secretary to the council

Evidence

125. All documents executed in accordance with this Act and other documents purporting to be written or issued by or under the directions of a local council and signed by the District Council Chairman or any authorised officer shall be received as prima facie evidence in any court and shall be deemed to be executed, issued or written by or under the direction of the council without proof unless the contrary is alleged.

Description of properties

126. In any criminal process or proceeding if it is necessary to refer to the ownership or description of property belonging to or under the management of a local council the property may be described as the property of the council

Publication of notices.

127. Except otherwise expressly provided the publication of any notice or any other document required by this Act to be published shall be deemed to be duly made if its fixed in a conspicuous place on or near the outer door of the office of the Chief Administrator and also in some other conspicuous places in the locality.

Service of Notices.

128. (1) Notice, order or any other document required or authorised to be served under this Act may be served by

- (a) delivering it to or at the residence of the person to whom it is addressed;
- (b) delivering it or a certified copy to the owner or occupier of a premises if address to the owner or occupier;
- (c) fixing it on a conspicuous part of the premises referred to under paragraph (b) if no one is found in the premises ;
- (d) post by a prepaid registered letter which shall be deemed to have been served on the day of the posting .

(2) When proving service by post it shall be sufficient to prove that the notice, order or other document was properly addressed and posted .

129. Any person who wilfully destroys , mutilates, effaces or removes any notice, list or any other document affixed to any premises during the period for which it is required to be affixed pursuant to this Act commits an offence.

Hindering publication.

130. A document required by this Act to be open to inspection shall be opened during the normal working hours of the council without payment of any fees.

Inspection of documents.

131. Any person who, having the custody of any register or document referred to in this Act–

Obstruction

- (a) obstructs any person authorised to inspect such register or document in making such inspection; or
- (b) refuses to give copies or extracts to any person entitled to it, commits an offence.

Execution of Act

132. (1) Where the occupier of any premises prevents the owner from obeying or carrying into effect any provision of this Act, that occupier commits an offence.

(2) Where a notice is delivered to any occupier of a building to permit the execution of any work and within 24 hours after service of the notice the occupier fails to comply with the notice, that occupier commits an offence and is liable on conviction to a fine not exceeding Nle3,000.00 for each day he fails to comply with the notice.

(3) Where the occupier of any premises when requested by or on behalf of a local council to state the name and address of the owner of the premises occupied by him and he refuses or wilfully gives a wrong name and address that occupier commits an offence.

Entry on Premises.

133. (1) The officers of a local council and any authorised person shall for any purpose referred to under this Act have power to enter or examine any land or premises within the locality after a written notice has been delivered to the owner or occupier of the land or premises to permit the officers or authorised officer within 7 days to enter the land or premises for the purposes stated in the notice .

(2) Where the owner or occupier of the land or premises referred to under subsection (1) refuses to permit the officers or authorised officers to enter the land or premises to carry out the purpose stated in the notice that owner or occupier commits an offence.

Personal liability.

134. An officer or employee of any local council or any person acting on the directions of an employee or officer of any local council shall not be liable in respect of any matter or thing done by him in good faith under this Act.

General Penalty.

135. A person who commits an offence under this Act for which no penalty is provided shall on conviction be liable to a fine not less than Nle5,000.00 or to a term of imprisonment not exceeding 12 months or to both the fine and imprisonment .

136. (1) Where an offence under this Act is committed by a body of persons and the body of persons is – Offence by a body of persons.

(a) a body corporate every member of the governing body of that body corporate and every director, manager or similar officer of that body shall also be guilty of the offence; and

(b) a partnership, every partner shall also be guilty of the offence.

(2) A person shall not be guilty of an offence under subsection (1) if he is able to prove that the act in respect of which he is charged was committed by some other person without his consent or connivance and that he exercised all due diligence to prevent the commission of the offence, as he ought to have exercised having regard to all the circumstances.

137. All Local Councils shall stand dissolved at the expiration of a period of 5 years commencing from the date of the first sitting after the last Genral election, at any date not later than the date of the dissolution of Parliament in accordance with the provisions of section 85 (1) of the 1991 Constitution of Sierra Leone. Dissolution of Councils.

138. The Minister may by statutory instrument make regulations as he may consider necessary for the purpose of carrying into effect the provisions of this Act. Regulations

139. (1) The Local Government Act 2004 is hereby repealed. Repeals.

(2) Notwithstanding the repeal of the enactments in subsection (1), any bye-laws made under the repealed enactments and in force on the commencement of this Act shall until revoked, remain in force in the relevant locality.

FIRST SCHEDULE**(Section 2)****LOCAL COUNCILS****Part I**

There shall be the following localities:—

A. Districts

Bo District
 Bombali District
 Bonthe District
 Falaba District
 Kailahun District
 Kambia District
 Karene District
 Kenema District
 Koinadugu District
 Kono District
 Moyamba District
 Port Loko District
 Pujehun District
 Tonkolili District
 Western Area Rural District

B. CITIES

Bo City
 Freetown City
 Kenema City
 Koidu/New Sembehun City
 Makeni City
 Port Loko City

C. Metropolis

Bonthe Municipality

Part II

The number of Paramount Chiefs in each Local Council shall be as follow:

Bo District Council	Three
Bombali District Council	Two
Bonthe District Council	Two
Falaba District Council	Two
Kailahun District Council	Three
Kambia District Council	Two
Karene District Council	Two
Kenema District Council	Three
Koinadugu District Council	Two
Kono District Council	Three
Moyamba District Council	Three
Port Loko District Council	Two
Pujehun District Council	Three
Tonkolili District Council	Two
Bo City Council	One
Kenema City Council	One
Koidu New Sembehun City Council	Two
Makeni City Council	One
Port Loko City Council	Two
Bonthe Municipal	None

SECONDSCHEDULE**(Section 8)****OATH OF COUNCILLORS**

“I.....do hereby in the name of (God/Allah) (swear/solemnly affirm) that I will bear true faith and allegiance to the Republic of Sierra Leone and the.....Local Council as by law established , and that I will faithfully and conscientiously discharge my duties as a Councillor. So help me (God/Allah)”

THIRD SCHEDULE (Section 20)**FUNCTIONS DEVOLVED TO LOCAL COUNCILS****Ministry of Agriculture****Crops Division**

Tree and Cash crop nurseries
 Plantation development and maintenance
 Seed production/multiplication
 Licences of Power saw
 Registration FBOs/CBOs
 Extension Services
 Input delivery services
 marketing

Forestry Division

Conservation of National Forest
 Village Forest Nursery
 Community forest woodlots
 National production forests
 National production forests catchments
 Central nurseries

Livestock Services

Animal health
 Animal production
 Cattle settlement schemes
 Settlement of crop/livestock disputes
 Administration of livestock markets

Land and Water Division

Small Scale Swamp
 Small Scale IVS/ upland rehabilitation

Ministry of Trade

Produce Inspection
 Grading and Licencing

Ministry of Planning and Economic Development

Local level planning

Ministry of Basic and Secondary Education

District Education Schools
 DEC Primary and Mid-Secondary schools
 District Libraries

Ministry of Water Resources

Urban and Peri-Urban Water Supply

Ministry of Fisheries and Marine Resources

Licensing of small canoe and attendant fishing gear

Establishment and Management fish ponds

Ministry of Health

Environmental Health Care

Ministry of Environment

Education and sensitisation on environmental issues

Environmental Management and Protection

Energy Conservation

Replanting of degraded hill slopes, catchments and watershed areas

Urban Tree planting (eg; parks/ gardens, avenues, trees)

Rehabilitation of mined-out areas

Ministry of Lands, Housing and Country Planning

Strategic local plans

Sand dues

Preparation of land use plans

SIERRALEONE ROADS AUTHORITY

Maintenance of primary feeder roads

Maintenance of chiefdom roads /tracks

Brushing of Right of Way of Highways

National Civil Registration Authority

Registration of Births and Deaths

Ministry of Labour and Social Security

Manpower planning

Enterprise development

Trust Fund based safety net scheme

Ministry of Local Government and Rural Development

Community Development

Ministry of Social Welfare

Family case work

Probation

Disability issues

Community Based Organisations

Ministry of Gender and Children's Affairs

Gender issues

Child welfare

Ministry of Works and Public Asset

Maintenance of Council buildings/premises

Ministry of Mineral Resources

Establishment and management of Community Development Funds

Ministry of Tourism and Culture

Local museums

Cultural villages

Ministry of Youth

Youth affairs

Ministry of Sports

Local sports

Registrar-General's Department

Registration and Celebration of Civil Marriages

Fire Services

Sensitisation and education on fire prevention

Basic non-technical fire fighting

Fire Prevention and Control

FOURTH SCHEDULE (Sections 72, 74, 78, 79)**Part I****VALUATION LIST**

Name of Street	No. of house or plot of land	Description of premises	Name of Owner	Name of Occupier	Annual rateable	Remarks
			value			

Part II**RATE BOOKS**

An assessment for the Rate of Council made by the Council this day
.....of.....at the rate ofLeones.

Arrears due	Name of or in Occupier	Name of Owner	Description situation Value	Name or extent of property	Estimated rated if excused	Annual Rate rated
			property Leone	property		

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

FORM 1

WARRANT TO LEVY PROPERTY RATE ON GOODS OF DEFAULTING OWNERS

FORM 1

WARRANT TO LEVY PROPERTY RATE ON GOODS OF DEFAULTING OWNERS

COUNCIL.....

DISTRICT/TOWN.....

WARD.....

To: The..... Bailiff of the Council

Whereas the person(s) named in the Schedule to this warrant was (were) assessed to pay the respective amounts opposite his (their) name(s) inward:

And Whereas the person(s) has (have) refused or neglected to pay the amount.

Now this warrant is to require you to levy the amounts of the property rate on the goods belonging to the person(s) named in the Schedule and if the amount is not paid within twenty days thereafter, to sell the goods levied or so much of the goods as shall be sufficient to satisfy the amount and after that return this warrant certifying what you have done under it.

Dated this day of 20.....

District Council Chairman Council

Schedule

Name(s) of defaulter(s) **Amount due**

FORM 2

WARRANT TO LEVY PROPERTY RATE ON GOODS OF OCCUPIERS

COUNCIL.....

DISTRICT/TOWN.....

WARD.....

To: The Bailiff of the Council

Whereas the owner(s) of a building(s) inward was (were) assessed to pay the approved property rate and the owner(s) refused or neglected to pay it;

And Whereas a warrant was issued to thebailiff to levy on the goods of the owner(s) and he did not find any goods or the value of the goods was insufficient to satisfy the warrant;

And Whereas the person(s) named in the Schedule to this warrant are the occupiers of the building(s);

Now this warrant is to require you:

(a) to demand from the occupier(s) payment of the amount set opposite his (their) name(s) in the Schedule; and

(b) to levy the amount on the goods of the occupier(s) and if the amount is not paid within twenty days thereafter, to sell the goods or so much of the goods as shall be sufficient to satisfy the amount and after that return this warrant certifying what you have done under it.

Dated this day of 20.....

Chairman Council