



**HOUSE OF PARLIAMENT
OAU DRIVE, TOWER HILL
FREETOWN**



SEVENTH REPORT OF THE LEGISLATIVE COMMITTEE, FIFTH SESSION OF THE FIFTH PARLIAMENT OF THE SECOND REPUBLIC OF SIERRA LEONE, ON THE BILL ENTITLED “THE LOCAL GOVERNMENT ACT, 2021” PRESENTED TO PARLIAMENT ON THURSDAY 28TH JULY 2022.

INTRODUCTION

Mr. Chairman, Hon. Members, I rise to present the seventh Report of the Legislative Committee, Fifth Session of the Fifth Parliament of the Second Republic of Sierra Leone, on the Bill Entitled: **THE LOCAL GOVERNMENT ACT, 2021** “Being an Act to provide for the continuation of local councils, the decentralization and devolution of functions, powers and services to local councils and to repeal and replace the Local Government Act 2004.”

Mr. Chairman, Hon. Members, the Bill having gone through the Second Reading, was committed to the Legislative Committee for scrutiny pursuant to **Standing Orders 51(1)**. Subsequently the Committee met on Friday 21st and Monday 24th October 2022, in Committee Room No.1 of Parliament Building, with the following objectives:

- To scrutinize in detail the principles and provisions of the bill and to make amendments if necessary.
- To ascertain the constitutional and legal implications contained therein.
- To report to Plenary for consideration by the Committee of the Whole House in line with S.O.53.

Mr. Chairman, Hon. Members, in attendance were, the Minister, Deputy Minister and Officials of The Ministry of Local Government and Rural Development, Commissioners of the Local Government Service Commission, the Chairman and Deputy Chairman Legislative Committee, the Deputy Chairman Local Government Committee and Members of both the Legislative and Local Government Committee.

RECOMMENDATIONS

Mr. Chairman, Honourable Members, the Legislative Committee having scrutinized the bill line by line and clause by clause recommends the following amendments to the House for approval:

The Short Title- be amended to read **“THE LOCAL GOVERNMENT ACT 2022”**

The Long Title of the Bill- be approved

PART I – PRELIMINARY:

Clause 1 Interpretations: the definition of the Phrase **“Anti-Corruption Commission”** be amended by replacing 2000 with 2008 to now read **“Anti-Corruption Commission means the Anti-Corruption Commission established by the Anti-Corruption Commission Act 2008”**

The word **“Chairperson”** be amended by replacing it with the phrase **“District Council Chairman”** to now read **“District Council Chairman” means a person elected in accordance with section 11 and includes a mayor in the case of City or Municipal Council”**

The definition of the word **“Commission”** be amended by replacing the figure **“6”** with the figure **“9”** to now read **“Commission” means the Local Government Service Commission established under section 39”**

PARTII-ESTABLISHMENT OF LOCALITIES AND LOCAL COUNCILS

Clause 2 sub clause 2 - Creation of Localities- be amended by replacing the phrase “National Electoral Commission” with the phrase “Electoral Commission of Sierra Leone” to now read “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 of Sierra Leone, by statutory instrument -”

This amendment should be made wherever the phrase “**National Electoral Commission**” appears

Clause 3 – Incorporation of Local Councils be approved

PART III- COMPOSITION OF LOCAL COUNCILS AND ELECTION OF COUNCILLORS

Clause 4 sub-clause (1)(a) – Composition of Local Councils- be amended by replacing the word “**Chairperson**” with the phrase “**District Council Chairman**”.

Clause 4 sub-clause (1)– Composition of Local Councils – be amended by inserting a new subparagraph “**b**” to read “**Deputy District Council Chairman**”. Subparagraph “**b**” now becomes “**c**”, “**c**” now becomes “**d**”, “**d**” now becomes “**e**”, “**e**” now becomes “**f**”, “**f**” now becomes “**g**”.

New subparagraph “**f**” be amended by replacing the word “**headman**” with the word “**headmen**” to now read “**four tribal headmen without voting rights; and.....**”

Clause 5 – Period for elections – be approved

Clause 6 – Qualification and disqualification of Councillors - be approved

Clause 7 - Tenure of office Councillors – side note of clause 7 be amended by inserting the word “**for**” after the word “**office**” to now read “**Tenure of office for councillors**”

Clause 8 - Oath to be taken Councillors – side note of clause 8 be amended by inserting the word “by” after the word “taken” to now read **“Oath to be taken by Councillors”**

Clause 9 sub clause 1(c) – Vacancy in seats of Councillors – be amended by replacing the figure “2” with the figure “4”

Clause 10 – Filling of vacancies – be amended by replacing the phrase “National Electoral Commission” with the phrase **“Electoral Commission of Sierra Leone”** to now read **“whenever a vacancy occurs among the elected Councillors, a bye-election shall be held by the Electoral Commission of 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”**

Clause 11 sub-clause (1) Chairperson – side note of clause 11 be amended by replacing the word “Chairperson” with the phrase **“Election of the District Council Chairman”**

Clause 11 sub-clause (1) Election of the District Council Chairman – be amended by replacing the word “Chairperson” with the phrase **“District Council Chairman”** to now read **“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”**

Clause 11 sub-clause (3) and (4) Chairperson – be amended to become the new clause 12 sub clause (1) and (2) with a new side note to read **“Functions of the District Council Chairman”**

New clause 12 sub clause (2) - Functions of the District Council Chairman – be amended by deleting subparagraph (c)

Clause 11 sub clause (5) – be amended to become new clause 13 with a new side note to read **“Vacancy of the office of the District Council Chairman”**

New clause 13(a) – Vacancy in the office of the District Council Chairman – be amended by replacing the word “**Chairperson**” with the phrase “**District Council Chairman**”

This amendment should be effected wherever the word “**Chairperson**” appears

New clause 13(d) – Vacancy in the office of the District Council Chairman – be amended by replacing the phrase “**death or**” with the word “**life**” and replacing the word “**violence**” with the phrase “**sexual penetration**” to now read “**if the District Council Chairman is sentenced to life imprisonment for an offence involving fraud, dishonesty or sexual penetration**”

Previous clause 12 – Removal of District Council Chairman - be amended by renumbering it to become clause 14

Clause 14 sub clause (1) – Removal of District Council Chairman – be amended by replacing the phrase “**the local council by a**” with the phrase “**a council**” to now read “**subject to subsection (2), a District Council Chairman may be removed from office by a council resolution supported by two-thirds of the Councillors on any of the following grounds-**”

Clause 14 sub clause (4) Removal of District Council Chairman – be amended by replacing the word “**funding**” after the word “**its**” with the word “**findings**” to now read “**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 prima facie case for the removal of the District Council Chairman**”

Previous Clause 13 – Deputy Chairperson – be amended by renumbering it to become clause 15

Clause 15 – Deputy Chairperson – side note of clause 14 be amended by replacing the phrase “**Deputy Chairperson**” with the phrase “**Deputy District Council Chairman**”

Clause 15 sub clause (1) – Deputy District Council Chairman – be amended by replacing the phrase “**Deputy Chairperson**” with the phrase “**Deputy District**”

Council Chairman” to now read “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”

This amendment should be effected wherever the phrase Deputy Chairperson appears

PART IV – MEETINGS AND COMMITTEES OF LOCAL COUNCILS

Previous clause 14- Meetings of Councils – now becomes clause 16

Clause 16 sub clause (1) – Meetings of Council – be amended by inserting the phrase “on rotational basis” immediately after the word “month” to now read “A local council shall hold ordinary meetings at least once every month on rotational basis at such time as the District Council Chairman may determine”

Clause 16 sub clause (3) – Meetings of Council – be amended by deleting the word “any” and inserting the phrase “in his absence a” immediately after the word “or” to now read “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”

Clause 16 sub clause (6) – Meetings of Council – be amended by inserting the phrase “with voting rights” after the word council at the end of the sentence

Previous Clause 15- use of language – now becomes clause 17

Previous clause 16 – Standing Orders – now becomes clause 18

Previous clause 17 – Minutes – now becomes clause 19

Previous clause 18- Committees Local Council – now becomes clause 20

Clause 20 – Committees Local Council – side note of clause 20 be amended by inserting the word “of” after the word “Committees” to now read “Committees of Local Council”

Clause 20 sub clause (2) – Committees of Local Council – be amended by inserting a new subparagraph **(d)** to read **“Audit Committee”**

PART V – FUNCTIONS OF LOCAL COUNCILS AND COUNCILLORS

Previous clause 19 – Functions of Local Council – now becomes clause 21

Clause 21 sub clause (1)(c) – Functions of Local Council – be amended by inserting a new subparagraph **(i)** to read **“own source”**. Previous subparagraph **(i)** now becomes **(ii)**, previous **(ii)** now becomes **(iii)**, previous **(iii)** now becomes **(iv)**

Clause 21 sub clause (1)(c)(iii) previous sub clause (1)(c)(ii) – Functions of Local Council – be amended by inserting the word **“non- governmental”** after the word **“international”** to now read **“national and international non-governmental organizations; and”**

Clause 21 sub clause (2)(j) – Functions of Local Council – be amended by inserting the phrase **“submitted through the District Officer”** at the end of the sentence to now read **“approve the annual budget of chiefdom councils and oversee the implementation of the budget”**

Previous clause 20 – Local councils to delegate functions – now becomes clause 22

Previous clause 21 – Ministries to formulate Policies – now becomes clause 23

Previous clause 22 – Ministries to consult – now becomes clause 24

Previous clause 23 – Joint Committees – now becomes clause 25

Previous clause 24 – Commercial activity – now becomes clause 26

Previous clause 25 – Delegation of Functions – now becomes clause 27

Previous clause 26 – Cooperation – now becomes clause 28

Previous clause 27 – Chiefdom Council – now becomes clause 29

Previous clause 28 – Duties of Councillors – now becomes clause 30

Clause 30 – Duties of Councillors – be amended by inserting a new subparagraph (e) to read **“monitoring of projects in his ward through the ward Development Committee and make recommendation for the attention of the Local Council”**

Previous clause 29 – Remuneration – now becomes clause 31

Clause 31 sub clause (1)(b) – Remuneration – be amended by inserting the phrase **“salaries, allowances, benefits, pensions and gratuities from the consolidated fund as determined by the Ministry of Finance and Ministry of Local Government”** after the word **“paid”** and the phrase **“remuneration as the Local Council may determine”** be deleted, to now read **“District Council Chairman and Deputy District Council Chairman shall be paid salaries, allowances, benefits, pensions and gratuities from the consolidated fund as determined by the Ministry of Finance and Ministry of Local Government”**

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

Previous clause 30 – Chief Administrator – now becomes clause 32

Clause 32 sub clause (2) – Chief administration – be amended by inserting a new subparagraph (d) to read **“Technical Advisor to the Local Council in consultation with relevant professionals”**

Previous clause 31 – Staff of the Local Council – now becomes clause 33

Previous clause 32 – Appointments Advisory Committee – now becomes clause 32

Clause 34 sub clause 2 – Appointments Advisory Committee – be amended to read

(a) **two Commissioners one of whom shall be the 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; and**

(e) **two representatives of Local Council (Chief Administrator and Chairman of the Establishment Committee)**

Clause 34 sub clause 4 – Appointments Advisory Committee – be deleted

Previous clause 33 – Other staff – now becomes clause 35

Previous clause 34 – Responsibilities – now becomes clause 36

Previous clause 35 – Assignment of staff – now becomes clause 37

Previous clause 36 – Permanent and Pensionable staff – now becomes clause 38

Previous clause 37 – Local Government Service Commission – now becomes clause 39

Previous clause 38 – Composition of Commission – now becomes clause 40

Previous clause 39 – Tenure of office – now becomes clause 41

Previous clause 40 – Functions of the Commission – now becomes clause 42

Previous clause 41 – Remuneration – now becomes clause 43

Clause 43 – Remuneration – be amended by replacing the phrase “**Members of the Commission**” with the phrase “**The Chairman and other Members appointed under subparagraph (e) of section 40(1)**” to now read “**The Chairman and other Members appointed under subparagraph (e) of section 40(1) shall be paid remuneration determined by the Minister after consultation with the Minister responsible for finance**”

Previous clause 42 – Meetings – now becomes clause 44

Previous clause 43 – Committee – now becomes clause 45

Previous clause 44 – Secretariat – now becomes clause 46

Previous clause 45 – Department – now becomes clause 47

Previous clause 46 – Procurement – now becomes clause 48

PART VII – FINANCIAL MATTERS

Previous clause 47 – Finance – now becomes clause 49

Clause 49 sub clause 3 – Finance – be amended by replacing “46” with “49”, “47” with “50” and “48” with “51” to now read **“Grants shall be provided to a local council in accordance with sections 49,50 and 51”**

Previous clause 48 – Grants - be deleted

Previous clause 49 – Devolved services - be deleted

Previous clause 51 – Grants for Local Councils – now becomes clause 50

Previous clause 54 – Grants for Local Council Administrative Cost – now becomes clause 51

Clause 51 sub clause 3 – Grants for Local Council Administrative Cost – be amended by deleting sub clause 3

Previous clause 50 – Distribution of grants – now becomes clause 52

Clause 52 – Distribution of grants – be amended by deleting the phrase “of the” after the word “tied” to now read **“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”**

Previous clause 52 – Grants for Devolved Services – now becomes clause 53

Previous clause 53 – Basis of distribution of grants – now becomes clause 54

Clause 55 – Appeal be approved

Clause 56 sub clause 1 – Mode of payment – be amended by replacing the word “monthly” with the word “quarterly” to now read **“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”**

Clause 57 sub clause 1(a) – Finance Committee – be amended to read “a senior representative each not below the level of Director from the Ministry, the Ministry responsible for Finance and the Ministry responsible for Development; and”

Clause 57 sub clause 1(b) – Finance Committee – be amended to read “5 other persons from each region with considerable knowledge of public finance appointed by the Minister, one of whom shall be Chairman”

Clause 57 – Finance Committee – be amended by deleting sub clauses “2, 3, 4 and 5”

A new clause 58 be inserted with 5 new sub clauses and a new side note to read **“Meetings of the Finance Committee”**

New Clause 58 sub clause 1 – Meetings of the Finance Committee – be inserted to read “The Committee shall meet for the dispatch of its business at least once every quarter and at such time as the Chairman may determine”

New Clause 58 sub clause 2 – Meetings of the Finance Committee – be inserted to read “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”

New Clause 58 sub clause 3 – Meetings of the Finance Committee – be inserted to read “The Local Government Finance Committee may co-opt other persons it deems necessary to assist it in the performance of its duties”

New Clause 58 sub clause 4 – Meetings of the Finance Committee – be inserted to read “The quorum at any meeting of the Committee shall be 3”

New Clause 58 sub clause 5 – Meetings of the Finance Committee – be inserted to read “subject to this section, the Local Government Finance Committee shall regulate the procedure for its meetings”

Previous clause 58 – Tenure of Office for members of finance committee – now becomes clause 59

Clause 59 sub clause 1 - Tenure of Office for members of finance committee – be amended by deleting the word “be” before the appointed

Clause 59 sub clause 2 - Tenure of Office for members of finance committee – be amended by replacing the word “President” with the word “Minister” and deleting the phrase “through the Minister” to now read “Any member of the Local Government Finance Committee, other than an ex-officio member, may resign his office in writing addressed to the Minister”

Clause 59 sub clause 3 - Tenure of Office for members of finance committee – be amended by deleting the phrase “notify the President in writing of the occurrence of the vacancy and the President, with the approval of Parliament, shall” to now read “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”

Clause 59 sub clause 4 - Tenure of Office for members of finance committee – be deleted

Clause 59 sub clause 5 - Tenure of Office for members of finance committee – be amended by replacing the word “Commission” with the word “Committee” to now read “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”

A new clause 60 be inserted with a new side note to read “**Functions of the Local Government Finance Committee**”

New clause 60 – Functions of the Local Government Finance Committee – be inserted to read “**The Local Government Finance Committee shall:**

- (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”**

Previous clause 59 – Remuneration – now becomes clause 61

Clause 61 – Remuneration – be amended by inserting the phrase “The Chairman and other” before the word “members” and inserting the phrase “appointed under subparagraph (b) of section 57” after the word “Committee” “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 consultation with the Minister responsible for finance”

Previous clause 60(a) – Grant Allocation – now becomes clause 62

Clause 62(a) – Grant Allocation – be amended by deleting the phrase “responsible for finance” to now read “recommend to the Minister the amount of grant allocations to each local council; and”

Previous clause 61 – Licences – now becomes clause 63

Previous clause 62 – Fees – now becomes clause 64

Clause 64(d) – Fees – be amended by inserting the word “other” before the word “services” to now read “other services provided by the councils”

Previous Clause 63 – Surcharges – now becomes clause 65

Previous clause 64 – Sharing of Revenues – now becomes clause 66

Clause 66 – Sharing of Revenues – be amended by deleting the phrase “and from mining revenues” at the first line of the sentence and inserting the phrase “under the supervision of the ministry” after the phrase “Chieftom Council” to now read “Revenue raised from local taxes other than those collected by the Government shall be shared between the Local Councils and the Chieftom Councils under the supervision of the ministry”

Previous clause 65 – Local Taxes – now becomes clause 67

Clause 67 sub clause 1(a) – Local Taxes – be amended by inserting the phrase “subject to the approval of the Minister” immediately after the word “locality” to now read “3 months before the end of each financial year determine the amount of local tax to be paid during the forthcoming financial year by every person liable to pay the tax within each locality subject to the approval of the Minister; and”

Clause 67 sub clause 4 – Local Taxes – be amended by inserting the phrase “subject to the approval of the Minister” immediately after the word “year” to now read “The tax rate shall be reviewed every two year subject to the approval of the Minister”

Previous clause 66 – Mining revenue – now becomes clause 68

Clause 68 – Mining revenue – be amended by replacing the word “finance” with the word “mines”, replacing the word “Ministries” with the word “Minister” and deleting the word “respectively” to now read “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”

Previous clause 67 – Licences – now becomes clause 69

Clause 69 – Licences – be amended by inserting a new sub clause 3 to read “licences issued under section 63 and section 69 shall not be transferable”

Previous sub clause 3 now becomes sub clause 4 and be amended by replacing the word “exceeding” with the phrase “less than” wherever it appears in this sub clause and replacing “Le5,000,000.00 with Nle5,000.00” to now read “ A person required to hold a licence referred to in this part who, upon demand being reasonably made by any authorized officer of the local council fails to produce his licence for inspection commits an offence and is laible on conviction to a fine not less than Nle 5,000.00 or to a term of imprisonment not less than three months, or to both the fine and imprisonment”

Previous sub clause 4 now becomes **sub clause 5** and be amended by replacing the word “**exceeding**” with the phrase “**less than**” wherever it appears in this sub clause and replacing “**Le6,000,000.00** with **Nle5,000.00** and replacing “**six months**” with “**three months**” to now read “**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 Nle 5,000.00 or to a term of imprisonment not less than three months, or to both the fine and imprisonment**”

Previous sub clause 5 now becomes **sub clause 6** and be amended by inserting the phrase “**contravenes sub section 3**” after the word “**licence**” and before the word “**commits**” and replacing “**Le6,000,000.00** with **Nle6,000.00**”, replacing the word “**exceeding**” with the phrase “**less than**” wherever it appears in this sub clause to now read “**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**”

Previous sub clause 6 now becomes **clause 7** and be amended by replacing the figures “**4 or 5**” with the figures “**5 or 6**”

Previous clause 68 – Expenditure – now becomes clause 70

Previous clause 69 – Bank Account – now becomes clause 71

Previous clause 70 – Investment – now becomes clause 72

Previous clause 71 – Power to Borrow – now becomes clause 73

Previous clause 72 – Irrecoverable Debts – now becomes clause 74

Previous clause 73 – Budget – now becomes clause 75

Previous clause 74 – Use of Assets – now becomes clause 76

PART VIII – PROPERTY RATES

Previous clause 75 – Property rates – now becomes clause 77

Previous clause 76 – Assessment Buildings and Lands – now becomes clause 78

Clause 78 - Assessment Buildings and Lands – side note of clause 78 be amended by inserting the word “**of**” after the word “**Assessment**” to now read “**Assessment of Buildings and Lands**”

Clause 78(b) - Assessment of Buildings and Lands – be amended by replacing the word “**uses**” with the word “**used**” to now read “**buildings used as public hospitals and clinics**”

Previous clause 77 – Establishment of Valuers and Assessment Committee – now becomes clause 79

Previous clause 78 – Valuation Lists – now becomes clause 80

Previous clause 79 – Objection – now becomes clause 81

Previous clause 80 – Rate Books – now becomes clause 82

Previous clause 81 – Occupied or Unoccupied Buildings – now becomes clause 83

Previous clause 82 – Guidelines – now becomes clause 84

Previous clause 83 – Priority of Claims – now becomes clause 85

Previous clause 84 – Refusal to pay rates – now becomes clause 86

Clause 86 – Refusal to pay rates – be amended by replacing the word “**twenty**” with the word “**ninety**” after the word “**within**” at the end of the sentence

Previous clause 85 – Insufficient Amount – now becomes clause 87

Clause 87 sub clause 1 – Insufficient Amount – be amended by deleting the phrase “**of the building**” at the end of the sentence

Clause 87 sub clause 2 – Insufficient Amount – be amended by replacing the word “**twenty**” with the word “**ninety**” to now read “**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”

Clause 87 sub clause 5 – Insufficient Amount – be deleted

Previous clause 86 – Sale of Building – now becomes clause 88

PART IX – ACCOUNTS AND AUDITS

Previous clause 87 – Books of Accounts – now becomes clause 89

Clause 89 sub clause 2 – Books of accounts – be amended by replacing the word “six” with the word “three” after the word “within”

Previous clause 88 – Auditor General to surcharge – now becomes clause 90

Previous clause 89 – Recovery of Sums due – now becomes clause 91

PART X – INTERNAL AUDIT

Previous clause 90 – Internal Audit Department - now becomes clause 92

PART XI – DEVELOPMENT PLANNING

Previous clause 91 – Development Plan – now becomes clause 93

Previous clause 92 – Technical Planning Committee – now becomes clause 94

Previous clause 93 – Review of Development Plans – now becomes clause 95

Previous clause 94 – Availability of Development Plan – now becomes clause 96

Previous clause 95 – Development Plans to be Compatible – now becomes clause 97

Clause 97 – Development of Plans to be Compatible - side note of clause 97 be amended by deleting the letter “r” from the word “compatible” to now read “Development of Plans to be Compatible”

PART XII – LOCAL ECONOMIC GOVERNMENT DEVELOPMENT

Part xii be amended by replacing the word **“Economic”** with the word **“Government and Government with the word Economic vice versa, to now read “Local Government Economic Development”**

Previous clause 96 – Local Economic Development – now becomes clause 98

PART XIII – BYE-LAWS

Previous clause 97 – Bye-laws – now becomes clause 99

Clause 99 sub clause 2(a) – Bye-laws - be amended by deleting the last three zeros from the figures **“Le5,000,000” to read **“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”****

Clause 99 sub clause 29(b) – Bye-laws – be amended by deleting the last three zeros from the figures **“Nle100,000” to now read **“in the case of a continuing offence specify a further penalty not exceeding Nle100 for each day on which the offence is continued after written notice has been served on the offender”****

Previous clause 98 – Uniform Bye- Laws – now becomes clause 100

Previous clause 99 – Validity of Bye-Laws – now becomes clause 101

Clause 101 sub clause 3(b) – Validity of Bye-Laws – be amended by deleting the phrase **“to be signed by the Chairperson” at the end of the sentence to now read **“not inconsistent with the Constitution, this Act or other enactment, he shall certify accordingly and return the bye-law to the local council”****

Clause 101 sub clause 4 – Validity of Bye-Laws – be amended by deleting the phrase **“after signature by the Chairperson” to now read **“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”.****

Previous clause 100 – Copy of bye-laws to be available at local council offices – now becomes clause 102

Previous clause 101 – Bye-laws local customs – now becomes clause 103

Clause 103 – Bye-laws local customs – side note of clause 103 be amended by inserting the word “**altering**” before the word “**local**” to now read “**Bye-laws altering local customs**”

PART XIV – WARD COMMITTEES

Previous clause 102 – Ward Committees – now becomes clause 104

Previous clause 103 – Functions of Ward Committees – now becomes clause 105

Clause 105 sub clause 1(f) – Functions of Ward Committees – be deleted

PART XV – RESPONSIBILITIES OF THE MINISTRY

Previous clause 104 – Ministry to inspect and monitor local councils – now becomes clause 106

Previous clause 105 – Mediation – now becomes clause 107

Previous clause 106 – Approval of agreements – now becomes clause 108

Clause 108 sub clause 1 – Approval of agreements – be amended to read “**contains all the terms and conditions required by the Inter-Ministerial Committee established under section 122 and shall approve such agreement or arrangement**”

Previous clause 107 – President to take over administration of local councils – now becomes clause 109

A new clause 110 be inserted with three new clauses and with a side note to read “**DISTRICT DEVELOPMENT COORDINATION COMMITTEE**”

Clause 110 – sub clause 1- District Development Coordination Committee – be inserted to read “**There shall be established in each district of Sierra Leone a Committee to be known as the District Development Coordination Committee**”

Clause 110 – sub clause 2 - District Development Coordination Committee –
be inserted to read **“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 1NNGO;**
- 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 coordination”**

Clause 110 sub clause 3 – District Development Coordination Committee – be inserted to read

“(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”

A new clause 111 be inserted with a new side note to read **“Functions of the District Development Coordination Committee”**

Clause 111 – Functions of the District Development Coordination Committee – be inserted to read “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”**

A new clause 112 be inserted with three sub clauses and a new side note to read **“meetings”**

Clause 112 sub clause 1 – Meetings – be inserted to read **“The District Development Coordination Committee 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 ”**

Clause 112 sub clause 2 – Meetings – be inserted to read **“In the absence of the District Council Chairman or Mayor the Deputy District Council Chairman or Deputy Mayor shall chair Committee meetings”**

Clause 112 sub clause 3 – Meetings – be inserted to read **“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”**

Previous clause 108 – Regional Coordination Meeting – now becomes clause 113

Clause 113 sub clause 2(d) – Regional Coordination Meeting – be amended by replacing the word **“province”** with the word **“region”** to now read **“the local council chief Administrator of each local council in the Region but shall not have the right to vote”**

Previous clause 109 – Functions of Regional Coordinating Committee – now becomes clause 114

Previous clause 110 – Meetings – now becomes clause 115

PART XVI – TRANSPARENCY, ACCOUNTABILITY AND PARTICIPATION

Previous clause 111 – Anti-Corruption Act – now becomes clause 116

Previous clause 112 – Declaration of Assets – now becomes clause 117

Previous clause 113 – Inventories – now becomes clause 118

Clause 118 – inventories – be amended by replacing the word “Every” with the letter “A” to now read “**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**”

Previous clause 114 – Receipts – now becomes clause 119

Clause 119 sub clause 2 – Receipts – be amended by replacing the word “exceeding” with the phrase “less than” and replacing **Le10, 000,000** with “**Nle 10,000**” to now read “**commits an offence, and is liable on conviction to a fine not less than Nle 10,000 or to a term of imprisonment not less than three years or to both the fine and imprisonment**”

Previous clause 115 – Reports posted notice board – now becomes clause 120

Clause 120 –Reports posted notice board – side note of clause 120 be amended by inserting the word “on” before the word “notice” to now read “**Reports posted on notice boards**”

Clause 120 sub clause 1 – Reports posted on notice boards – be amended by inserting the phrase “quarterly basis on” immediately after the word “on” and before the letter “a” to now read “**Local councils shall post on quarterly basis 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 new sub clause 3 be inserted to read “**A local Council that contravenes sub section 1 commits an offence and is liable to a fine of Nle 20,000**”

Previous clause 116 – Participatory processes – now becomes clause 121

PART XVII – INTER-MINISTERIAL COMMITTEE ON DECENTRALIZATION

Previous clause 117 – Inter-Ministerial Committee on Local Government and Decentralization – now becomes clause 122

Clause 122 sub clause 2(b) - – Inter-Ministerial Committee on Local Government and Decentralization – be amended by deleting the letter “a” from the word “the” to now read “**the Minister**”

Previous clause 118 – Functions of Inter- Ministerial Committee – now becomes clause 123

Previous clause 119 – Secretariat – now becomes clause 124

PART XVIII – MISCELLANEOUS

Previous clause 120 – Legal Proceedings – now becomes clause 125

Clause 125 sub clause 2 – Legal Proceedings – be amended by deleting the word “be” to now read “The officer shall have the power to institute and carry on any proceedings which the council is authorized to institute subject to the directions of the council”

Previous clause 121 – Form of title deeds – now becomes clause 126

Previous clause 122 – Evidence – now becomes clause 127

Previous clause 123 – Description of properties – now becomes clause 128

Previous clause 124 – Publication of notices – now becomes clause 129

Previous clause 125 – Service of Notices – now becomes clause 130

Clause 130 sub clause 1(c)– Service of Notices – be amended by replacing the word “conscious” with the word “conspicuous” and replacing the word “is” with the word “if” to now read “fixing it on a conspicuous part of the premises referred to under paragraph (b) if no one is found in the premises”

Previous clause 126 – Hindering Publication – now becomes clause 131

Previous clause 127 – Inspection of Document – now becomes clause 132

Clause 132 – Inspection of Document – be amended by replacing the word “houses” with the word “hours” to now read “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”

Previous clause 128 – Obstruction – now becomes clause 133

Previous clause 129 – Execution – now becomes clause 134

Previous clause 130 – Entry on Premises – now becomes clause 135

Clause 135 sub clause 1 – Entry on Premises – be amended by inserting the phrase “**within seven days**” after the word “**officer**” and before word “**to**” to now read “**The officers of a local council and any authorized 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 authorized officer within seven days to enter the land or premises for the purposes stated in the notice**”

Previous clause 131 – Personal Liability – now becomes clause 136

Clause 136 – Personal Liability – be amended to read “**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**”

Previous clause 132 – General Penalty – now becomes clause 137

Clause 137 – General Penalty – be amended by replacing “**Le5,000,000**” with “**Nle5,000**” and replacing the word “**exceeding**” with the phrase “**less than**” to now read “**Any 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 or to a term of imprisonment not less than 12 months or to both the fine and imprisonment**”

Previous clause 133 – Offence by a body of persons – now becomes clause 138

Clause 138 sub clause 2 – Offence by a body of persons – be amended by replacing the word “**No**” with the letter “**A**” to now read “**A person shall 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**”

Previous clause 134 – Transitional Provisions – be deleted

Previous clause 135 – Regulations – now becomes clause 139

Previous clause 136 – Repeals – now becomes clause 140

CONCLUSION

Mr. Chairman, Hon. Members, the Legislative Committee, having scrutinized the Bill entitled: **THE LOCAL GOVERNMENT ACT, 2021**. Recommend these proposals to the House for approval. The Report reflects the consensus of Honourable Members of the Committee. I therefore move that the House pass the Bill entitled: **THE LOCAL GOVERNMENT ACT, 2021** through Committee Stage, Third Reading and into Law.

I thank you for your attention.

Signed:

Hon. Abdul.S. Marray Conteh
Chairman,Legislative Committee
(Fifth Session 2022/2023)