LAW REFORM COMMISSION

Report

[With draft Local Government Bill attached]

Local Government Reform

[June 2009]

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About the Commission

The Commission consists of –
(a) a Chairperson, appointed by the Attorney-General;
(b) a representative of the Judiciary appointed by the Chief Justice;
(c) the Solicitor-General or his representative;
(d) the Director of Public Prosecutions or his representative;
(e) a barrister, appointed by the Attorney-General after consultation with the Mauritius Bar Council;
(f) an attorney, appointed by the Attorney-General after consultation with the Mauritius Law Society;
(f) a notary, appointed by the Attorney-General after consultation with the Chambre des Notaires;
(g) a full-time member of the Department of Law of the University of Mauritius, appointed by the Attorney-General after consultation with the Vice-Chancellor of the University of Mauritius; and
(h) two members of the civil society, appointed by the Attorney-General.

The Chief Executive Officer has responsibility for all research to be done by the Commission in the discharge of its functions, for the drafting of all reports to be made by the Commission and, generally, for the day-to-day supervision of the staff and work of the Commission.

The Secretary to the Commission is also responsible, under the supervision of the Chief Executive Officer, for the administration of the Commission.
(I) **Introductory Note**

1. As announced in the Government Program 2005-2010, Government’s objectives are to repeal the Local Government Act 2003 (as well as the Local Government Act of 1989) and enact a new Local Government Act based on democratic principles, which would:

   (a) enable local Authorities to administer their respective council areas and affairs in a more autonomous, transparent, effective and efficient manner in accordance with their mandate;

   (b) ensure community participation in the management of the affairs of local authorities and engage all stakeholders in local community affairs; and

   (c) help achieve parity development in both urban and rural areas.¹

2. The services of Mr. Michael Ashley, had been provided by the Commonwealth Local Government Forum (CLGF) to review local government structure, functions and legislation.² Mr. Ashley submitted his Final Report in 2007.³

3. The Commission was asked in May 2008 whether it could review the Local Government Acts and draft any new legislation. Despite a heavy work load, the Commission entertained the request and has agreed, in accordance with section 5(a) and (b) of the Law Reform Commission Act, to review the legal framework under which local authorities operate.

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² Cabinet decision of 3 November 2006.

4. In December 2008, the Commission submitted to the Ministry of Local Government a Working Paper on “Reform of Local Government Legislative Framework”, dealing with policy issues critical to the reform process. The Minister of Local Government, Hon. Dr. James Burty David, has responded favourably to the reform proposals highlighted in the Working Paper. On 14 January 2009, he informed the Chief Executive Officer of the Commission that he was, in general, agreeable to the proposals. Since then meetings have been held between the Chief Executive Officer of the Commission and officers of the Ministry and the Electoral Commissioner’s Office. The Commission has also reflected further on the issues at the heart of the local government reform.

The Commission is now submitting a draft Report, to which is attached a draft Local Government Bill which encompasses its recommendations for reform.

(II) Reform to bring Local Government Law in line with Best International Practices

5. The Commission has examined Mr. Ashley’s report, as well as other reports and views on local government and regional administration, and has been reviewing the Local Government Acts of 1989 and 2003 from a historical and comparative perspective, in the light of experience in other jurisdictions [Commonwealth jurisdictions, such as South Africa, India, Australia, Canada, and UK, and other jurisdictions, such as USA and France].

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4 These include (a) the 1997 ‘Report of the Commission on Regional Administration’, chaired by Mr. V. Sooben, G.O.S.K., C.M.G.; (b) the 1984 “report of the Commission on Local Government”, chaired by Mr. S. Bhuckory, O.B.E.; (c) the 1973 ‘Final report of the Financial Relations Commission’, chaired by Mr. L.F. Smale, O.B.E. We have also considered proposals made by Mr. B. Rajee, on behalf of Chief Executives of municipal/district councils, in his letter dated 03.03.08 addressed to the permanent Secretary of the Ministry of Local Government. A useful book on local government in Mauritius is that of Mr. C.G. Dukhira on “Grass Roots Democracy for National development: A Study of local Government and management in five countries, with focus on Mauritius” [Editions de l’Ocean Indien, 1994].
We have paid particular attention to the enabling legal and institutional framework which in UK\(^5\) and France\(^6\) have rendered possible policies geared at local community empowerment and at unlocking the talents of local communities, promoting the economic development and regeneration of localities, promoting integration and social cohesion by addressing the special needs of disadvantaged groups living in deprived areas, with a duty on local authorities to promote civic involvement and for improving engagement with the third sector, to develop a strategy on participatory budgeting, and to develop sustainable communities.

6. With a view to ensuring that the reform of the legislative framework for local government reflects best international practices, the Commission has paid heed to the United Nations Development Fund [UNDP] 2004 Practice Note on ‘Decentralized Governance for Development’ [DGD], its experience in Latin America for ‘Municipal Transparency’ and for a proposed ‘Code of Ethics for Municipal Officers’ [in particular the 2004 exercise in Honduras] and its recent initiatives in Asia about ‘Designing Inclusive and Accountable Local Democratic Institutions’ [February 2008]. The experience of the United Nations Capital Development Fund [UNCDF] in least developed countries with ‘Building Local Government Capacity to Achieve the Millennium Development Goals’ has also been considered\(^7\), as well as the World Bank’s experience in supporting decentralization and local democracy.\(^8\)

\(^5\) Vide, for example, the UK Local Government Association ‘Action Plan for Community Empowerment’ [October 2007], the UK Department for Communities and Local Government Paper on ‘Giving more people a say in local spending - Participatory Budgeting: a National Strategy’ [September 2008], and the UK Department for Communities and Local Government Paper on ‘Principles of Representation: A framework for effective third sector participation in Local Strategic Partnerships’ [August 2008].

\(^6\) Vide, for example, the ‘politique de désenclavement des quartiers’ and of the setting-up ‘d’unités territoriales des quartiers’, the 2007 Report of the ‘Observatoire des Zones Urbaines Sensibles’, as well as the Rapport Lambert on ‘Les relations entre l’État et les collectivités locales’ in the context of the ‘révision générale des politiques publiques’ [December 2007].
The experience of these UN bodies reveal that properly designed decentralization reforms (involving varying degrees of administrative, fiscal and political decentralization) results in improved local governance:

(a) More legitimate, transparent, and accountable local authorities and an active and inclusive local political process;

(b) Institutional mechanisms for citizens information, consultation and participation in all stages of the local public resources management cycle, such as the adoption of local-level participatory planning and budgeting practice with effective participation of the local communities, through social mobilization taking into account local culture and social fabric;

(c) Efficiency gains in local services delivery; and

(d) Greater security for citizens. Decentralization and good local governance increase the possibility for people’s participation in the development process but the success of decentralization policies depends mainly upon the existence of an appropriate set of conditions (political, social, cultural, economic and physical) and capacity of institutions both at central and local levels.\(^7\)

\(^7\) UNDP, along with UNCDF, has generated key lessons from experiences with working at both the upstream and downstream levels, aiming to achieve the desired linkages and synergy between them, in order for DGD to effectively contribute to poverty reduction and other MDGs. These lessons highlight the importance of a holistic approach, more useful engagement of civil society and the private sector while keeping in mind the central role of elected local governments, and effective partnerships.


\(^9\) Devolution seems to increase the risks of local misuse of funds or corruption since more funds and more powers are devolved to the local leadership and local administration.
7. The principles evolved at the level of the Commonwealth Local Government Forum [CLGF] for the strengthening of effective democratic local government and the establishment of best practices in local government structures and services have also been examined, such as the 2005 Aberdeen Agenda on Good Practice for Local Democracy and Good Governance, the 2006 Kampala Agenda for African Local Government, and the 2007 Auckland Accord on ‘Delivering Development through Local Leadership’, and the initiatives taken to meet the challenges thereof [such as the 2005 Research Paper on ‘Municipal Finance: Innovative Resourcing for Municipal Infrastructure and Service Provision’].

8. Emphasis is being laid in the 2005 Aberdeen Agenda on Good Practice for Local Democracy and Good Governance on:

(a) The need for constitutional and legal recognition for local democracy;

(b) The ability to elect local representatives;

(c) The need for co-operation and partnerships between spheres of government;

(d) Local authorities to have appropriate powers in accordance with the principle of subsidiarity, democratic local government being the means by which local communities can shape their livelihoods;

(e) The opportunity for citizens to participate in local decision-making;

(f) Open local government through accountability to the community it serves, through the local decision making process being open and transparent, and through openness to scrutiny. Policy determined by the executive/local authority should be
open to scrutiny by other elected members and appropriate civil society organizations/ community individuals. Effective leadership should welcome scrutiny both from within the local council and by the wider community;

(g) Inclusiveness: the process of local decision-making must reflect the social, economic, environmental and cultural needs of the entire community;

(h) Adequate and equitable resource allocation: in order to respond to the needs of the local community a local authority must have adequate financial resources to fulfill its mandate;

(i) Equitable service delivery: the distribution of services should reflect the diverse needs of the local community, services provided by local government should be accessible to all. The poor and marginalized, may in certain circumstances, require local government to adopt proactive policies to address their particular needs. There is a balance to be struck between nationally set standards and locally set priorities. Local government should have the space to respond to the needs of its local area;

(j) Building strong local democracy and good governance: commitment to continuous capacity development of democratic local government. Effective leadership is central to strong local democracy. It is important to strengthen and build the capacity of councillors, officers, and local governance institutions to ensure that local democracy can enable local government to deliver quality services to the local community. Community leadership is an important and growing role for local government in the creation of sustainable communities. There is also a need to promote civic education and build the capacity of civil society organizations to enable them to engage in and participate effectively in the local democratic process.
In the 2006 Kampala Agenda for African Local Government, it was considered that local government should be empowered. It should have the capacity to provide minimum social services, should have access to resources, and be able to define policies to enable local economic development.

The view was taken that actions required to enable local government to give effect to the Aberdeen Agenda include the following:

(a) Central government should, in consultation with local government, seek to set minimum standards for realistic service levels for local government, inclusiveness across the whole community in line with accepted Commonwealth targets, to ensure accessibility and participation, and adequate, equitable and objective resource allocation;

(b) The role of local government in local economic development and integrated development planning should be strengthened and expanded to ensure that local priorities and service needs are met;

(c) Transparency of local government to be enhanced by effective communication with citizens throughout the cycle of accountability that includes planning, consultation, budgeting, implementation, monitoring, evaluation, and reporting, which is central to open local government. It is recognized that for this to be effective there is a need for capacity building in both local government and civil society;

(d) Local governments, in order to be accountable to its electorate, must have the autonomy to set and implement budgets developed in accordance with the legislative framework.
10. In the 2007 Auckland Accord on ‘Delivering Development through Local Leadership’, it was agreed that making local governance more effective requires:

(a) Strong accountability in new forms of governance, such as local strategic partnerships, must be complemented by effective accountability of existing local government institutions;

(b) Effective local leadership is built upon strong citizen participation and meaningful consultation carried out with a wide range of stakeholders. It is critical that the stakeholders consulted represent a cross-section of society and that special attention be paid on consulting sectors of society that are excluded and hard to reach through traditional methods;

(c) Local government must truly represent its communities and needs to address social, economic and political disparities in the community to ensure inclusive democratic processes (The Commonwealth has a target of at least 30 per cent women in public life);

(d) Decentralisation demands creation of real, multifunctional government at the local level within the framework of national legislation. Powers to levy local taxes and the obligation of the state to provide local governments with adequate resources are necessary elements of effective decentralization. Decentralisation also allows local government to prepare and vote their own budgets, reflecting their own priorities as well as mandatory expenditure required for the attainment of reliable service delivery and overall community well-being. Without undermining the accountability of elected members, local government itself also has a responsibility to decentralise powers and functions, where practical, to local neighbourhoods so that citizens have a direct stake in local service delivery and are fully involved in the local democratic decision-making process.
Emphasis was laid on the need for local authorities:

(a) To deliver a strategic vision: Local strategic planning should be closely coordinated with regional and national priorities in the interests of national development. This requires cooperative governance that recognises the distinct roles and responsibilities of different spheres of government – all of which serve the same people. Local leadership must focus attention on key community priorities by setting a strategic direction and representing community priorities to other partners such as central/provincial government and international agencies; Local leadership must galvanise a range of partners in support of community priorities with a view to securing coordinated action and developing more effective new approaches, for example through the concept of ‘inclusive cities’ and civic panels and making more formal provision of the representation of different partners and interest groups on local councils; it must involve citizens in the process of priority identification and delivery, which can be done by such means as consultative implementation and monitoring councils, citizens’ community boards and city community challenges;

(b) To ensure service delivery is in support of local development [services are delivered to the local community within a clear performance management framework];

(c) To respond to national and global issues, such as the impact of HIV/AIDS, climate change, as well as global economic or food crises. These require capacity-building for local leadership, local development partnerships to promote leadership and development, linking with civil society, engaging with the private sector, and enhanced support from international development partners.

11. The principles evolved at the level of the ‘Association Internationale des Maires Francophones’, in particular on the requirements of good governance and the need to
‘donner aux élus les outils leur permettant de définir et de réaliser leur politique municipale en concertation avec la société civile (associations, ONG...)’ during discussions at its Assemblées Générales on topics such as ‘rôle et moyens des villes dans le développement durable et la solidarité’, ‘villes et finances municipales’, ‘Villes et micro finance’, and ‘coopération de proximité et cohésion sociale’, have also been considered.

12. We have also taken note of developments at the level of the Council of Europe with the adoption of the European Charter of Local Self-Government (1985)\textsuperscript{10}, which embodies the conviction that the degree of self-government enjoyed by local authorities may be regarded as a touchstone of genuine democracy.\textsuperscript{11}

13. In the Working paper submitted in December 2008, we expressed the view that both the provisions of the 1989 and the 2003 Local Government Acts do not sufficiently provide the legal framework for addressing the challenges of globalization. Our Local Government law is certainly in need of reform. We reiterate our opinion that the Two Pillars on which Legislative Reform aimed at creating an enabling environment for Local

\textsuperscript{10}European Treaty Series No. 122.

\textsuperscript{11}The Charter contains substantive provisions setting out the principles of local self-government. It specifies the need for a constitutional and legal foundation for local self-government, defines the concept and establishes principles governing the nature and scope of local authorities’ powers. Further articles are concerned with protecting the boundaries of local authorities, ensuring that they have autonomy as regards their administrative structures and access to competent staff and defining conditions for the holding of local elective office. Two major articles aim at limiting administrative supervision of the activities of local authorities and ensuring that they have adequate financial resources at their disposal on terms which do not impair their basic autonomy. It affords to local authorities the right to co-operate and form associations. The protection of local self-government is also guaranteed by the right of recourse to a judicial remedy. There are miscellaneous provisions relating to the scope of the undertakings entered into by the parties. In accordance with the intention of securing a realistic balance between the safeguarding of essential principles and the flexibility necessary to take account of the legal and institutional peculiarities of the various member States, it permits the parties specifically to exclude certain provisions of the Charter from those by which they consider themselves bound. It thus represents a compromise between, on the one hand, acknowledgement of the fact that local self-government affects the structure and organization of the state itself, which is a basic concern of government and, on the other hand, the objective of protecting a minimum of basic principles which any democratic system of local government should respect.
Community Empowerment should rest are: Inclusiveness and Accountability of Local Democratic Institutions.

(III) Inclusiveness and Accountability of Local Democratic Institutions as the Two Pillars for Local Community Empowerment

14. Inclusiveness and Accountability are the values underpinning good governance. They would ensure there is a Human Rights-Based Approach to Decentralization\(^\text{12}\). Decentralized Governance\(^\text{13}\), carefully planned, effectively implemented and appropriately managed, can lead to significant improvement in the welfare of people at the local level, the cumulative effect of which can lead to enhanced human development. A human rights approach to decentralized governance is critical to

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\(^\text{12}\) A human rights-based approach to decentralization means being guided by the principles, standards, and obligations stemming from the Universal Declaration of Human Rights (UDHR). Conferences in Paris, Vienna, and Tehran have elaborated on the values expressed by the UDHR that support principles of the indivisibility and interdependence of rights, of equality and non-discrimination, self-determination, inclusive participation, subsidiarity, consensual decision-making, transparency with accountability, and the rule of law. A human rights-based approach to decentralization requires that the design of the decentralization process, and the practice of its implementation shall observe these values and principles, as shall also the structures and processes to be developed as the form and practice of decentralized governance.

\(^\text{13}\) Decentralization is the process of moving towards decentralized governance—in which economic, political and administrative power, authority and resources are transferred from the centre to lower levels of governance. "the processes and institutions through which citizens and groups exercise their legal rights, meet their obligations and mediate their differences". (UN Consultative Committee on Programme and Operational Questions. Policy and Programme Matters: Governance. Draft Matrix Governance. Geneva, 16\(^\text{th}\) Session/2000, p.6.) From a human rights viewpoint, two governing principles of decentralization are: participation and subsidiarity—conferring responsibility for decision and action as close to those affected as possible. Good or democratic governance is both a means and an end. It is a means to achieve the goals of human development, the main elements of which are articulated through the set of Millennium Development Goals [MDGs]. It is an end in itself – as values, policies and institutions that are governed by human rights principles, i.e., equality and non-discrimination, participation and inclusiveness, accountability and the rule of law. Decentralizing democratic governance to sub-national levels can accelerate and deepen improvements in access to basic services by the poor and in their capacities to make choices and contribute to decision-making processes directly affecting their lives.
protecting and promoting the freedom of men and women to lead the kind of lives they choose in dignity, free of injustice and humiliation\textsuperscript{14}.

15. Inclusiveness entails equal participation; it means that all those who have a stake in the governance process and want to participate in it—men and women, rich and poor, rural and urban—can on an equal basis do so, whether by voting, by contributing to consultations, or by overseeing local public service agencies. Inclusiveness also means that local governments treat everyone equally, that they protect the rights of everyone with equal vigor, that exclusion and discrimination are absent in the provision of public services, and that everyone has equal right to recourse and remedy if there is discrimination by officials [equality of treatment].

Inclusiveness is enhanced by laws:

(a) That would guarantee basic rights and freedoms, including the right to participate in the governance process on an equal basis, plus the right to equality before the law, such as the right to be treated equally by government agencies;

(b) That would facilitate broader public consultation;

(c) That would ease the operation of civil society organizations. There is also the need for mechanisms that can ensure those laws are respected and, where necessary and possible, mechanisms that can help redress the consequences of past action.

16. Accountability is based on the idea that people have the right to hold those in power answerable for how they use the authority vested in them and the resources of the

people. Accountability needs transparency or full access to information— the people need to know about the functioning of the local authority, to hold it answerable, and the authority needs to provide access to such information. Accountability also needs contestability—being able to choose among alternative political and economic entities on the basis of how well they perform. It also means recourse and remedy whenever actions contravene basic rights, especially those of inclusiveness, or violate the rule of law.

Accountability requires both internal accountability mechanisms and external accountability mechanisms. The first depend on the initiative of local authorities, with impetus and pressure from the people. The second rely on the initiative of the people, with acceptance and accommodation by local authorities [such as when the residents in a village select their council representative].

17. Measures that would strengthen external accountability are:

(a) Greater transparency in the conduct of affairs, through laws that mandate greater public disclosure and access to information;

(b) Increased contestability through open, fair, regular elections of public officials;

(c) Strengthening of local governments, which are closer to the people and more able to involve them directly in public decisions and accountability;

(d) Availability of information on public service performance through surveys, feedback mechanisms, consultations, and similar mechanisms;
(e) Wider civil-society advocacy and participation, including citizen watchdog groups, especially in the management and oversight of public services that must be tailored to specific communities and groups;

(f) Better monitoring of the quality of governance and wider dissemination of data that measure that quality in a variety of dimensions, such as discriminatory practices, and control of corruption.

18. Although internal accountability is indispensable, such accountability itself is also considered by many to depend on sound mechanisms of external accountability. Officials are more likely to worry about making internal accountability mechanisms effective when they face the public scrutiny that comes through the external accountability mechanisms.

19. Internal accountability depends on a system of checks and balances and can be improved through administrative reforms, such as:

(a) Decentralizing the functions of government to bring them closer to citizens, who have both a direct stake in performance and the first-hand information to assess performance;

(b) Strengthening of the performance orientation in public expenditure management, which itself requires actions to improve the flow of information and the quality of debate and dialogue within the administration, thus underlining the importance of an overall governance environment that supports transparency and contestability.

20. Inclusiveness and accountability of local democratic institutions can be achieved in a number of ways and have to be borne in mind whenever policy choices are being made as to the representational arrangements and electoral systems for the constitution of
local authorities (including the issue of adequate representation of women, youth, minorities and other disadvantaged groups), as well as to the organizational structure and administrative context within which local governments operate.  

21. Sustainable economic growth, equitable distribution of the benefits of such growth and the achievement of Millenium Development Goals [MDGs] require building the capacity of local democratic institutions, with enhanced inclusiveness and accountability, so that they can meet the challenges of globalization. Improvements in communication technologies are making it easier for local actors to engage in the development process. 

22. Local actors are called upon to act as catalysts of a sustainable development and a local authority should, in our view, have the power to do anything which it considers is likely to promote or improve the economic, social and environment well-being of its area. 

It should be established to provide for the government and management of its area at the local level and, in particular—

(a) to act as a representative, informed and responsible decision-maker in the interests of its community;

(b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner;

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17 As to an analysis of digital inclusion strategies, vide UK Department of Communities and Local Government Research Paper as well as UK’s Action Plan for Consultation [October 2008].
(c) to encourage and develop initiatives within its community for improving the quality of life of the community;

(d) to represent the interests of its community to the wider community;

(e) to perform and discharge the powers, functions and duties of local government as provided by law in relation to the area for which it is constituted.

23. The functions of a council would include—

(a) To plan at the local level for the development and future requirements of its area: every local authority must prepare a community strategy for promoting or improving the economic, social and environmental well-being of its area contributing to the achievement of sustainable development and, in preparing or modifying its community strategy, a local authority must consult all stakeholders (NGOs and other local communities, businesses, and the members of the community);

(b) To provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;

(c) To provide for the welfare, well-being and interests of individuals and groups within its community;

(d) To take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
(e) To manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;

(f) To provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);

(g) To promote its area and to provide a conducive environment for the development of business, commerce, industry and tourism;

(h) To establish or support organisations or programs that benefit people in its area or local government generally;

(i) To manage and, if appropriate, develop, public areas vested in, or occupied by, the council;

(j) To manage, improve and develop resources available to the council;

(k) To undertake other functions and activities conferred by law.

24. A council would have, in the performance of its roles and functions, to—

(a) provide open, responsive and accountable government;

(b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
(c) participate with other councils, and with Central Government, in setting public policy and achieving local and national objectives;

(d) give due weight, in all its plans, policies and activities, to local and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;

(e) seek to co-ordinate with other councils, statutory bodies and Central government in the planning and delivery of services in which those other persons have an interest;

(f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;

(g) manage its operations and affairs in a manner that emphasises the importance of service to the community;

(h) seek to ensure that council resources are used fairly, effectively and efficiently;

(i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs.
(IV) Reform Proposals with respect to Specific Policy Issues

(A) Local Government Structure: Local Councils based on the System of Localities

25. We assume that the division of the island into towns, districts and villages may still reflect the reality of our localities today. The important point for us is that there should be an objective way of delimiting localities, which take into account their geographical features, such as natural boundaries, their historical development, as well as the existence within any given area of a community of interests. We consider a Local Government Boundaries Commission should be established to review periodically the boundaries of existing areas and propose, if need be, the establishment of new authorities. This Commission would also review the boundaries of electoral wards.

26. The issue of whether or not village councils should be retained or abolished has been discussed by Sooben and Ashley. We are of the opinion that village councils should be retained as they provide the inhabitants of these localities with a strong sense of local identity and community. Village councils can enhance our local democratic governance. We believe that village councils may, with appropriate capacity building, deliver effectively local development programs.
(B) Constitution of Local Councils: an Electoral System that enables Wide Representation and Strengthens Local Democracy, and allows Delivery of Development through Local Leadership

Electoral System for Representation on Local Councils:-

27. Representational arrangements vary from one jurisdiction to another, with a combination of direct and indirect elections to councils, and at times appointments being made of non-elected members in local government.18

28. We consider councillors should be directly elected to a council. The Bill attached to this draft Report contains provisions for the election of district councillors from wards in the district council area, as is the case for municipal councils of towns. Three councillors would be elected per ward. The island of Mauritius would be divided into 56 electoral wards.

We also make provision for the abolition of the Local Government (Temporary Provisions) Act as we consider councillors should be elected.

29. While ward-based electoral systems can be beneficial in terms of ensuring accountability and being relatively simple, they can also be problematic when minorities or politically weak groups within a ward are not fully represented. The first-past-the-post-system [FPTP] may not ensure a fair representation of all interests within the local communities. We consider therefore some form of proportional representation [PR] would have to be introduced in the electoral system.

PR systems offer the chance of greater plurality in representation, by assigning council seats to parties on the basis of the proportion of the vote they obtain. In many respects, PR systems seem intrinsically more “democratic.” They are also better able to handle the issue of minority and politically weaker groups than are FPTP systems; women and other disadvantaged groups can, however modestly, usually ensure some representation through PR. Not surprisingly, then, PR systems tend toward few or weak affirmative action provisions intended to safeguard the interests of such groups.\textsuperscript{19} PR systems, significantly, lead to many fewer wasted votes. Beyond a certain threshold, all parties that contest an election will end up being represented on local councils. This – in theory – means that almost every vote really does “count” and thus increases the likelihood of popular participation and confidence in the local electoral process.\textsuperscript{20}

It is noteworthy that the 1998 South African Local Government Municipal Structures Act provides for a system of proportional representation.

30. In addition to the councillors returned per ward, the draft Bill attached to this draft Report makes provision for candidates on party lists to be returned as additional councillors, on the basis of their representation in the municipal or district council area. Each person entitled to vote at an ordinary election in any of the electoral wards of Mauritius shall have four votes: three electoral ward votes and one for the town or district vote. We consider the threshold a party should reach in order for the candidates on its party list to be entitled to be returned as additional councillors should be 10%.

31. It is a fundamental democratic principle that all social groups should be fairly and adequately represented (in particular women, youth, minorities and the most


\textsuperscript{20} Ibid., at p. 25.
disadvantaged). This is generally achieved by putting in place electoral and political party systems that ensure better representation [for example by requiring political parties to field a number of women candidates for elections] or through the introduction of quota systems and reserved seats.\(^{21}\)

Several countries have used reserved seats as the basis for quotas in Local Government elections. India is one where far-reaching provisions for affirmative action have been made and are enshrined in the Constitution. Seats in Local Government bodies at all levels are reserved for Scheduled Castes and Tribes according to their proportion of the population, and at least one-third of seats are reserved for women. Similar quotas apply to local council leadership positions.

Mr. Ashley recommends in his Report there should be a system of quota for women representation at local council elections. In our Working Paper we expressed the view that we do not believe that fair representation should be achieved through a system of quota for any group. We considered what is needed are policies which motivate all segments of the population and generate in them interest for the process.

We have since evolved in our position. We consider equality can only be achieved through positive measures being taken, which are not discriminatory. To that end the attached Bill makes provision for a political party to be under the obligation to ensure gender representation, as well as the diversity of the local electorate, on the electoral lists of candidates.

32. The first-past-the-post system appears appropriate for elections to village councils, so long as the electorate does not exceed a certain number; beyond a certain threshold, it may not secure as wide a representation of the interests of all the electors in the village as is desirable for effective local representation.

We agree with the views of Mr. Ashley that the number of councillors, which is currently 12 per village council, should be linked with the size of the electorate. In the Fifth Schedule to the Bill attached to this draft Report, we indicate how the number of councillors that would be returned for a village council would be dependent on the size of the electorate.

Election of Mayors of Towns and Chairpersons of District or Village Councils:-

33. Currently Mayors as well as Chairpersons of District Councils are elected indirectly. A range of issues can be linked to the ways in which council leaders are elected:

(a) A system whereby council chairpersons are indirectly elected by their councils does, in principle, offer the singular advantage of a more collegial and consensual form of local governance. Under such systems, mayors/chairpersons need to ensure regular support from their councils – and this may imply a tendency toward broad-based decision-making. Where councillors represent wards, this in turn implies that decision making may be more likely to take into account the interests of many constituents.

(b) However, indirectly elected mayors or council chairpersons – unless they can ensure the allegiance of their councils and councillors – may become “lame ducks” as they fall victim to party politics or to internal disputes within their councils.

(c) Increasingly, indirect elections for council leaders are seen as problematic in terms of accountability. Indirectly elected council chairpersons may see themselves as
more accountable to their immediate constituency (i.e., the individual electoral college that has selected them) than to local citizens.\textsuperscript{22}

34. To an increasing extent, direct elections of council leaders are seen as more appropriate than indirect elections. A number of advantages are cited in favour of direct elections for mayors or council leaders\textsuperscript{23}, inter alia:

(a) Greater legitimacy for Local Government as a whole: A mayor who is directly elected is more clearly the preferred individual choice of local citizens than one indirectly elected by a limited number of councillors. S/he more manifestly expresses local preferences, which in turn contributes to strengthening and legitimating local democratic practice;

(b) Clearer separation of powers and functions between the executive and legislative branches at local level. This enables mayors or leaders to operate more independently of partisan interests of their councils and enables the latter to more clearly and unequivocally provide oversight of the directly elected mayor or council leader;

(c) Greater accountability, in the sense that a directly elected council chairperson or mayor is more clearly seen as individually responsible for delivering public goods and services and honouring electoral commitments;

(d) More effective Local Governance, with directly elected mayors “getting on with their jobs” more effectively than indirectly elected leaders: a “good” directly elected mayor is

\textsuperscript{22} Ibid. at p. 18.
\textsuperscript{23} See e.g. \textit{Human Development Viewpoint: Presidentialism in Decentralized Governance: More Local Leadership, But at What Cost?} (Larsen and Maguire 2005).
http://regionalcentrebangkok.undp.or.th/practices/governance/decentralization/Representation.html
likely to be more effective than a “good” indirectly elected mayor, all other things being equal.  

35. We reckon, however, that direct election of council chairpersons or mayors may also have its down side:

(a) Excessive power being wielded by the directly elected mayor, in that directly elected leaders may see themselves (and be seen) as much more than a primus inter pares. Council chairpersons who are directly elected may overshadow fellow Council members by virtue of their much stronger electoral mandate and may thus stifle democratic debate in Council. This is one of the initial lessons from Thailand and Pakistan (which shifted to direct election in 2004 and 2005 respectively) and from Bangladesh, where directly elected Union Parishad chairpersons exert a powerful influence over local affairs, leading to apathy amongst other members;

(b) The risk of political stalemate: When a directly elected mayor and the council fall out politically, the resulting stalemate can have debilitating consequences for decision making and, thus, local service delivery.

36. We have weighed the advantages and disadvantages of having mayors of towns or chairpersons of district councils directly elected and we consider the current system of election by the respective council should be retained. We reckon there is a need to have at local level a strong leadership capable of delivering local development programs. This does not mean, however, that this objective is only achieved by a system of direct election of a Mayor or Chairperson by the electors of the municipal or district council area.  

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25 Loc. Cit.

26 As is the case under the UK Local Government Act 2000.
a longer mandate than the current one of 1 year may help achieve this objective. We therefore recommend that mayors of towns and Chairpersons of district councils be elected for 20 months.

(C) Meetings and Procedure of Local Councils and Duties of Councillors

37. In most countries, council members tend to be elected and seen as voluntary representatives of the public. As such, they are usually not paid regular salaries. Nonetheless, being a council member is not without its costs: Council members must dedicate time, travel to meetings, arrange meetings with their constituents and the like. The payment of sitting fees and the like has implications for representation. Where no remuneration is provided, poorer citizens may either be deterred from standing for election (in the knowledge that they will be ill-placed to participate in council deliberations) or, in the event that they are elected, may find it difficult to afford the costs of being a representative. Wealthier citizens do not face the same constraints under such circumstances. We therefore welcome the recent change brought about in the law by the Local Government Act No. 20 of 2008, which amends sections 14 and 19 of the Local Government Act of 1989 and provides that henceforth a mayor, a deputy mayor and every municipal councillor, a chairman, a deputy chairman and every district councillor shall be paid such monthly remuneration as may be prescribed. Chairmen of village councils are also remunerated. We are favourable to the current system of remuneration being maintained.

38. We consider a mechanism should be put in place for the ‘training and development of councillors’.27 We also consider that for the efficient and effective performance of their

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27 In France, a ‘Conseil National de la Formation des Elus Locaux’ has been established under the ‘Code Général des Collectivités Territoriales’.
functions, councillors should, as of right, have access to information relating to the activities of the council.

39. In our Working Paper, we considered that it should be laid down by statute, as is the case under section 62 of the South Australia Local Government Act 1999, what the duties of a councillor are. These are spelled out in clause 30 of the Bill.

We also provide that the Minister of Local Government should be conferred the power, as is the case in UK, of laying down a model code of conduct for councillors, which he shall cause to be published in the Government Gazette.\(^28\)

40. We do not consider that actions against a local authority should be brought within a shorter period and that there should be a notice prior to the action, suit or proceeding, as is laid down in section 43 of the Local Government Act 1989. In our view such a provision is inimical to our democratic state constitutionally based on the rule of law.\(^29\)

(D) Accountability through Central Government Oversight

41. While local councils enjoy varying degrees of autonomy, they are generally subject to some kind of upward accountability to the Central Government. The degree to which local councils are subject to supervision is important in two fundamental respects. First, too much external control or supervision effectively disenfranchises locally elected bodies, turning their “representative” role into one that can be denuded of accountability – simply because they have little authority to make binding decisions.

\(^{28}\) UK Local Government Act 2000, section 50.

Second, too little external control/supervision means that locally elected bodies are not held upwardly accountable for a range of public sector responsibilities (such as service delivery standards or the management of financial resources transferred from Central Government). There is a need to find the right balance.

42. Traditional forms of control are based on institutional oversight mechanisms emphasizing the legality, regularity and appropriateness of local actions. In our view, these should today have to be: (i) “performance-based”, and (ii) “administration or rule-based” and would take the form of ‘guidance’ issued by the Minister to local authorities. In the draft Bill attached to this draft Report, we provide where appropriate for guidelines to be issued by the Minister.

43. We also provide for remedial measures to be taken where a local authority is not performing or is not acting in accordance with local governance standards.

(E) Delivery of Services through an Efficient, Effective and Responsive Administration & Accountability of Local Government Officers

44. Local councils need to have some kind of “dedicated” local administration to manage the day-to-day affairs of their jurisdictions. Under our current system, the local authority is the employer, but appointment of local government officers, removal from office, and disciplinary control over local government officers is exercised by the Local Government Service Commission [LGSC], which is established by an Act of Parliament.


We consider the current arrangements are satisfactory. The legal framework ensures local government service, as much as the public service, is politically neutral and that there is no room for political patronage (as was the case until the early 1980s): the career of an officer is determined by his merit.

It is not appropriate, however, for a Service Commission to deal with transfer of officers from one local authority to another. A Unified Local Government Service Board should have the responsibility for the posting of officers within the local government service.

Conditions of service applicable to the public service should apply to the local government service and posts should be established by the Unified Local Government Service Board.

45. We consider the Minister of Local Government should, as is the case in UK, be given the power to issue a Code of Conduct for local government officers, which he shall cause to be published in the Government Gazette.\(^\text{32}\) We are also of the opinion that a local government officer must, as is the case in South Australia, be subjected to a statutory duty to act, at all times, honestly, and with reasonable care and diligence, in the performance of official duties.\(^\text{33}\)

46. We further consider that an equal employment opportunity program relating to employment with a local authority should be devised and implemented, and that it shall be the responsibility of the Chief Executive of a municipal or district council to ensure that sound principles of human resource management are applied to employment in the administration of the local authority.

\(^{32}\) Section 82 of UK Local Government Act 2000.

\(^{33}\) Section 109 South Australia Local Government Act 1999.
(F) Strategies for Local Community Empowerment and Mechanisms for Securing Active Citizenship and Local Community Involvement in the Conduct of Local Affairs

47. It is acknowledged there is a need for 'participatory democracy and responsive local government': the two are mutually reinforcing and supportive - strong, aware, responsible, active and engaged citizens along with strong, caring, inclusive, listening, open and responsive local democratic governments'.\(^{34}\) Decentralized governance is effectively strengthened and rendered more accountable when participation is encouraged, facilitated and institutionalized. Communities, neighbourhoods and individuals can play a crucial role in ensuring that local government responds to their needs by participating in the planning, implementation and monitoring of activities and projects affecting their lives and eventually impacting the level of human development they maintain\(^{35}\).

48. In France the ‘Code des Collectivités Territoriales’ provides for the ‘participation des électeurs aux décisions locales’ by a ‘référendum local’ or through ‘consultation des électeurs sur les décisions que les autorités de cette collectivité envisagent de prendre pour régler les affaires relevant de la compétence de celle-ci.’\(^{36}\) In UK provision is also made in the local government law for a referendum to be organized by a local council following petition from local electors, or upon direction or order from the Secretary of

\(^{34}\) Vide J. Gaventa, ‘Towards Participatory Local Governance: Assessing the Transformative Possibilities’ [Institute of Development Studies, 2003].


\(^{36}\) Vide ‘Chapitre II du Livre 1\(^{er}\).
State.\textsuperscript{37} In South Australia, a local council may convene a meeting of electors of the area or part of the area\textsuperscript{38}; it must also prepare and adopt a public consultation policy.\textsuperscript{39}

49. To establish the conditions for sustainable development, action initiated at the local level is vital.\textsuperscript{40} Forging equitable and mutually beneficial partnerships at the local level can strengthen decentralized governance and can increase the potential resources available to local government and that can be put at the service of human development.

50. Partnership in governance is usually seen as a matter of government working with stakeholders in a particular sector, such as health, or from the private sector and civil society. Sometimes the media and learning institutions are seen as separate from civil society and treated as partners by themselves. Partnership can be a one-off affair confined to a specific issue or situation. Or it can be a regular practice. It can also be a matter of policy to foster partnerships with all stakeholders across the board in all matters in all sectors. This is most likely to happen where public trust is strong, where a culture of co-operation rather than competition and confrontation has been nurtured and where partnership mechanisms have been institutionalized.\textsuperscript{41} We consider every local council should be under an obligation to develop long-term partnerships with other local stakeholders.

\textsuperscript{37} Sections 34-36 UK Local Government Act 2000.

\textsuperscript{38} Section 93 South Australia Local Government Act 1999.

\textsuperscript{39} Section 50 of the Act: Interested persons must be provided with a reasonable opportunity to make submissions in the relevant circumstances.

\textsuperscript{40} Mr. Jonas Rabinovitch, Senior Urban Development Advisor, UNDP, at the 101st Conference of the Inter-Parliamentary Union, held in April 1999 in Brussels, Belgium, considered that “Globalization trends are emphasizing in an unprecedented way the importance of local and metropolitan levels of democracy and management. While acting globally, the world community acknowledges the importance of local actions”.

51. We therefore provide in the draft Bill attached to this draft Report for a council to be under the obligation to develop a public consultation policy, as well as a policy on partnership with the business sector. We also provide for the possibility of councillors holding meeting with the local electorate, and setting-up Neighbourhood and local community committees.

52. In our opinion, a council should evolve a process for identifying community outcomes and it should report against the community outcomes. A council should also adopt a strategic management plan and should annually report on its activities.

(G) Local Government Finance: Fair Allocation of Resources and Scope for Innovative Resourcing for Local Council Infrastructure and Service Provision; Delivery of Local Development Programs through Sound Performance-Based Financial Management

53. The legal authority to perform certain functions is meaningless if local authorities are deprived of the financial resources to carry them out. Local authorities should thus be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.

54. Part of the financial resources of local authorities would derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate. We are of the opinion that recourse to user charges as a source of additional local revenue is desirable.\footnote{Vide R.M. Bird, ‘User Charges in Local Government Finance’, in M. Freire & R. Stren (eds.), \textit{The Challenge of Urban Government: Policies and Practices} (World Bank Institute, 2001).}

55. We consider the protection of financially weaker local authorities, calls for the institution of financial equalization procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial...
burden they must support. Such procedures or measures should not diminish the discretion local authorities may exercise within their own sphere of responsibility. We consider the determination of grants should be entrusted to a Local Government Finance Board.

We are also of the view that for the purpose of borrowing for investment projects, local authorities should have access to the national capital market within the limits of the law.

56. Experience elsewhere shows that performance-based budgeting has had extremely positive results. We therefore welcome its application to Local Government, as provided by the Additional Stimulus Package (Miscellaneous Provisions) Act No. 1 of 2009.

We hasten to add, however, that the effectiveness of performance-related mechanisms is dependent on several factors related to context, such as the degree of corporate or downward accountability of local governments to citizens, clarity of service provision responsibilities, level of financial autonomy enjoyed by local government, and degree of local government control over staff.

57. There is the need for efficient and effective management of funds: budget approval and release of funding, as well as control and auditing of local government use of funds.

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44 Ibid. at pp. 75 seq.

45 A Local Authorities Financial Management Manual, which would provide the proper framework for all local authorities for efficient financial management, should be issued. The manual should define the roles and responsibilities of the local authorities and their officers in matters of finance and enunciate the basic principles that should apply to all local authorities for inter alia the collection of revenue, the incurring of expenditure and the management of cash flow. It should also outline the requirements for internal control and the modern concepts of internal auditing.
(V) Concluding Observations

58. We are confident the reform proposals contained in the draft Bill attached to this draft Report would lay the foundation for an effective, efficient, inclusive and accountable local government, which would empower local communities so that they can face the challenges of globalization.
THE LOCAL GOVERNMENT BILL

(No of 2009)

Explanatory Memorandum

1. The object of this Bill is to reform the law relating to local government in accordance with best international practices.

2. The Bill makes provision for-
   (a) The establishment of democratically elected local authorities with sufficient autonomy to manage the local affairs of their area;
   (b) Local authorities to provide services and facilities which would ensure the economic and social well-being of their local communities in an ecologically sustainable manner so as to meet the present and future needs of their communities;
   (c) An effective, efficient, inclusive and accountable system of local government;
   (e) The management and governance of local authorities;
   (f) The roles of councillors and officers;
   (g) The participation of local communities and local stakeholders in the affairs of local government, and the accountability of local authorities to local communities and local stakeholders; and
   (h) Other related matters.

........ 2009
THE LOCAL GOVERNMENT BILL
(No. of 2009)

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FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE
FOURTH SCHEDULE
FIFTH SCHEDULE
SIXTH SCHEDULE
SEVENTH SCHEDULE
EIGHTH SCHEDULE
NINTH SCHEDULE
TENTH SCHEDULE
ELEVENTH SCHEDULE
TWELFTH SCHEDULE
A BILL

To provide the legislative framework for a democratic, efficient, effective, inclusive and accountable system of local government permitting local communities to manage autonomously, through elected local authorities, the economic and social well-being of their areas in an ecologically sustainable manner.

ENACTED by the Parliament of Mauritius, as follows –

PART I - PRELIMINARY

1. Short title.

This Act may be cited as the Local Government Act 2009.

2. Interpretation

(1) In this Act -

"admission charge" means the charge leviable under section 144;
"agricultural building" means a building, other than a dwelling house, which is occupied together with agricultural land and is used solely in connection with agricultural operations on that land;

"agricultural land" has the same meaning as in the Sugar Industry Efficiency Act but does not include land occupied together with a house as a park, garden, or a pleasure ground or land kept for purposes of sport or recreation or used as a race course;

“annual report” has the same meaning as assigned to it by section 149;

"authority" means a local authority;

‘Building and Land Use Permit” has the same meaning as assigned to it by section 134;

"business" -

(a) means any trade, commerce or manufacture, profession, vocation or occupation; and

(b) includes any other activity in the nature of trade, commerce or manufacture, profession, vocation or occupation;

"cadastral database" means the database of immovable properties to be kept and maintained under section 118;
"cadastral value", in relation to any property, means its value ascertained on the basis of its market value, that is the price which the property would fetch on an open competitive market, on a free, not forced sale, between a willing buyer and a willing seller had it been vacant;

"Chief Executive" means the chief executive of a municipal or district council;

"classified trade" means any trade, business, profession, calling or activity specified in Part A of the Twelfth Schedule;

“community outcomes” has the same meaning assigned to it by section 73;

"Council" means a municipal or district or village council;

"councillor" means a councillor of a local authority;

"disposal", in relation to waste, includes the sorting, carriage, transportation, treatment, storage, tipping above or underground, incineration and the transportation operations necessary for its recovery, re-use or recycling;

"disposal site" means a disposal site designated under section 60(5);
“district”, means any district, the name and boundaries of which are specified in the Second Schedule, or any district created under section 21;

“district council’ has the meaning assigned to it by section 8;

“elector” means a person registered as a local government elector in accordance with the Representation of the People Act;

“electoral ward” has the same meaning assigned to it by section 10;

“electoral ward vote” means a vote given for a candidate to be elected as a councillor for an electoral ward of a municipal or district council;

“estimates of expenditure” means the annual estimates of expenditure including expenditure in respect of investment projects based on programmes and sub-programmes (programme based budgeting) prepared on a 3-calendar year rolling basis, specifying the resources to be allocated and the outcomes to be achieved and outputs to be delivered, the estimates for the first year of every such period of 3 calendar years requiring approval by the Minister;

“estimates of income” means the annual estimates of income prepared on a 3-calendar year rolling basis, the estimates for the first year of every such period of 3 calendar years requiring approval by the Minister;
"Financial Controller" means the officer in charge of the Finance Department of any municipal or district council;

“financial year” means the period of 12 months ending on 31 December in any year;

"immovable property" includes -

(a) land, other than agricultural land, a flat or apartment whether owned individually or jointly or in which a person has any interest by whatever name called; and

(b) a building or part thereof, actually occupied, whether or not the construction thereof has been completed;

“investment project” means an intervention relating to acquisition or preservation, or to both acquisition and preservation, of non-financial assets for meeting defined objectives and consisting of a set of interrelated activities to be carried out within a specified budget and a time-schedule;

"local authority" means-

(a) the municipal council of any town;

(b) the district council of any district;

(c) the village council of any village; or

(d) any new local authority created under section 21;

“local governance statement” has the same meaning as assigned to it by section 71;
“Local Government Boundaries Commission” means the Local Government Boundaries Commission established under section 20;

“Local Government Finance Board” means the Local Government Finance Board established under section 96;

"Local Government Service Commission" has the same meaning as in the Local Government Service Commission Act;

"local rate"-

(a) means the rate leviable under section 109; and

(b) includes-

(i) any surcharge under section 113;

(ii) any interest under section 114; and

(iii) any costs incurred in the recovery thereof;

"main roads" means the roads designated and classified as main roads by regulations made under section 3(2) of the Roads Act;

“member”, in relation to a local authority, means councillor;
"Minister" means the Minister to whom responsibility for the subject of local government is assigned;

"motorways" means the roads designated and classified as motorways by regulations made under section 3(2) of the Roads Act;

"municipal council" has the meaning assigned to it by section 7;

“Neighbourhood and local community committee” means a Neighbourhood and local community committee set up under section 76;

“outcome” means the likely or achieved short-term and medium-term effects of an activity’s or intervention’s outputs;

“outputs” –
(a) means the products, goods and services resulting from the carrying out of an activity; and
(b) includes changes resulting from activities relevant to the achievement of outcomes;

"owner", in relation to any property, includes -
(a) in respect of any immovable property situate on State Land or Pas Géométriques, the lessee of the site;
(b) the person who receives or, if such property were to be let, would be entitled to receive the rent, whether for his own benefit or that of any other person; or

(c) where the owner cannot be found or ascertained, the occupier thereof;

"Permanent Secretary" means the Permanent Secretary of the Ministry responsible for the subject of local government;

"Permits and Business Monitoring Committee" means the Permits and Business Monitoring Committee established under section 133;

"President" means the President of the Republic of Mauritius;

“programme” means a group of activities or interventions intended to contribute to a common set of outcomes, specific objectives and outputs that are verifiable, consisting of a defined target and a given budget including staffing and other necessary resources;

"ratepayer" means the owner of an immovable property liable to pay local rates;

"rate" means the local rate;
"rating area" means the administrative area of the town or district concerned;

"registered political party" means a political party registered under the provisions of the Representation of the People Act for the purpose of this Act;

"road" means any road or public place to which the public has access and includes any bridge, ford, culvert or other work in the line of such road;

"rural road" has the meaning assigned to it by section 3(4) of the Roads Act;

"Sanitary Authority" has the same meaning as in section 2 of the Public Health Act;

"Senior Councillor" means —

(a) subject to paragraph (b), the councillor present at a meeting who obtained the highest percentage of votes at the last election of Municipal or District or Village Councillors and, where 2 or more councillors obtained the highest percentage of votes, the one among them who is designated as Senior Councillor by the drawing of lots;

(b) where the Senior Councillor is himself a candidate for the election of Mayor or Deputy Mayor or Chairperson or Vice-Chairperson or is for any reason incapable
or unwilling to preside the meeting, the next councillor with the highest percentage of votes;

“strategic management plan” has the same meaning as assigned to it by section 147;

“sub-programme” means the programme hierarchy which breaks programmes into sub-programmes and which in turn break into activities or interventions and is designed to achieve at least one specific objective;

“surcharge” means the surcharge under section 113 or 138;

“tenant” does not include a sub-tenant;

“tenant’s tax” has the meaning assigned to it by section 128;

“town” means any town, the name and boundaries of which are specified in the First Schedule, or any town created under section 21;

"town or district figure" means the town or district figure calculated in accordance with section 14 for a party having submitted a list of candidates for election as municipal or district councillors;

"town or district vote" means the vote for a political party for the election of municipal or district councillors, as provided by section 15;
"Tribunal" means the Local Government Valuation Tribunal established under section 122;

“Unified Local Government Service Board” means the Unified local Government Service Board established under section 82;

"urban road" has the meaning assigned to it by section 3(3) of the Roads Act;

"valuer" means the authorised person, under section 2 of LAVIMS (Project Implementation) Act 2008 authorised to carry out the duties of a valuer or surveyor;

“village” means any inhabited area which by Proclamation is declared to be a village;

"village council" has the meaning assigned to it by section 9;

"waste" means solid waste other than hazardous waste, clinical waste and pharmaceutical waste.

(2) This Act and the powers conferred under it shall be in addition to, and not in derogation from, the provisions of and powers conferred under any other enactment regulating any of the matters regulated under this Act.
PART II – PURPOSE OF LOCAL GOVERNMENT AND ROLE OF LOCAL AUTHORITIES

3. Purpose of the system of local government

   (1) There is established under this Act a system of local government to—

   (a) enable democratic local decision making and action by, and on behalf of,
       local communities; and

   (b) promote the social, economic, environmental, and cultural wellbeing of
       local communities, in the present and for the future.

   (2) Subject to the provisions of this Act or any other legislation and Guidelines issued by
       the Minister, local communities shall manage autonomously, through their locally
       elected authorities, the affairs of their area.

4. Principal role of a local authority

   A local authority shall, under the system of local government established by this Act,
   provide for the government and management of its area at the local level, and shall in
   particular—

   (a) act as a representative, informed and responsible decision-maker in the
       interests of its community;
(b) provide and co-ordinate various public services and facilities and develop its community and resources in a socially just and ecologically sustainable manner;

(c) encourage and develop initiatives within its community for improving the quality of life of the community and promoting social cohesion;

(d) represent the interests of its community to the wider community; and

(e) exercise, perform and discharge the powers, functions and duties of local government under this and other Acts in relation to the area for which it is constituted.

5. Principles relating to local government

In performing its role, a local authority shall act in accordance with the following principles:

(a) A local authority shall—

   (i) conduct its business in an open, transparent, and democratically accountable manner;

   (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner;

(b) A local authority shall make itself aware of, and shall have regard to, the needs, interests and aspirations of individuals and groups within its community;
(c) When making a decision, a local authority shall take account of—

(i) the diversity of the community, and the community’s interests, within the area;

(ii) the interests of future as well as current communities;

(iii) the likely impact of any decision on the social, economic, environmental, and cultural wellbeing of communities;

(d) A local authority shall ensure prudent stewardship and the efficient and effective use of its resources in the interests of its area and it shall seek, in the performance of its roles and functions, to provide services, facilities and programs that are adequate and appropriate and shall seek to ensure equitable access to its services, facilities and programs;

(e) A local authority shall collaborate and cooperate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources;

(f) A local authority shall give due weight, in all its plans, policies and activities, to local and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;

(g) A local authority shall seek, in the performance of its roles and functions, to co-ordinate with Central Government and other local authorities in the planning and delivery of services in which those entities have an interest; and
In taking a sustainable development approach, a local authority shall take into account—

(i) the social, economic, and cultural wellbeing of people and communities;

(ii) the need to maintain and enhance the quality of the environment; and

(iii) the reasonably foreseeable needs of future generations.

PART III – CONSTITUTION OF LOCAL AUTHORITIES AND ELECTIONS

6. Establishment of Local authorities

(1) The towns, districts and villages of Mauritius shall be administered, for the purposes of this Act, by the local authorities.

(2) The local authorities shall be the municipal councils, the district councils and the village councils.

(3) Every local authority shall be a body corporate.
7. Municipal councils

(1) A municipal council shall administer the town in respect of which it is set up.

(2) The corporate name of a municipal council shall be formed by adding to the words “The Municipal Council”, the name of the town concerned.

(3) There shall be a municipal council for each of the towns of -

(a) Port Louis;
(b) Beau Bassin – Rose Hill;
(c) Quatre Bornes;
(d) Vacoas – Phoenix;
(e) Curepipe, and

whose boundaries shall be those set out in the First Schedule.

(4) A municipal council shall consist of–

(a) three councillors for each electoral ward; and

(b) ten additional councillors for each town elected from party lists as is provided by section 15.

(5) Each municipal council shall consist of such number of councillors as is specified in Part A of the Third Schedule.

(6) All municipal councillors shall be elected in accordance with the provision made by and under this Act and the Representation of the People Act for -

(a) the holding of ordinary elections of councillors for wards and for the town; and
(7) An ordinary election shall involve the holding of elections for the return of councillors for municipal councils.

(8) Where a registered political party presents candidates in an electoral ward, the candidates shall not all be of the same sex.

8. **District councils**

(1) A district council shall administer the district in respect of which it is set up.

(2) The corporate name of a district council shall be formed by adding to the words “The District Council”, the name of the district concerned.

(3) There shall be a district council for each of the districts of -

   (a) Pamplemousses;
   (b) Rivière du Rempart;
   (c) Moka;
   (d) Flacq;
   (e) Grand Port;
   (f) Savanne;
   (g) Black River, and

whose boundaries shall be those set out in the Second Schedule.
(4) A district council shall consist of–

(a) three councillors for each electoral ward; and

(b) ten additional councillors for each district elected from party lists as is provided by section 15.

(5) Each district council shall consist of such number of councillors as is specified in Part B of the Third Schedule.

(6) All district councillors shall be elected in accordance with the provision made by and under this Act and the Representation of the People Act for -

(a) the holding of ordinary elections of councillors for wards and for the district; and

(b) the filling of vacancies in district councils.

(7) An ordinary election shall involve the holding of elections for the return of councillors for district councils.

(8) Where a registered political party presents candidates in an electoral ward, the candidates shall not all be of the same sex.
9. Village councils

(1) There shall be established in every village a village council.

(2) A village council shall –

   (a) administer the village in respect of which it is set up;

   (b) dependent on the size of the village electorate, consist of such number of councillors as is specified in the Fifth Schedule.

(3) The corporate name of a village council shall consist of the name of the village followed by the words “Village Council”.

10. Division of towns and districts into electoral wards

(1) Each town or district shall consist of such number of electoral wards as is specified in Parts A and B of the Fourth Schedule.

(2) The President of the Republic shall, on the advice of the Local Government Boundaries Commission, by Order prescribe the boundaries of electoral wards of the various towns and districts.

11. Time of ordinary elections of municipal and district councils

(1) The ordinary election of municipal and district councillors shall be held on a day appointed by the President of the Republic, and thereafter in every succeeding fifth year.
(2)(a) An election of councillors shall, subject to paragraph (b), be conducted in accordance with the provisions of the Representation of the People Act and regulations made there under.

(b) The President may, by Order, declare that any provision of the Representation of the People Act and regulations made there under shall not apply to an election organized under the provisions of this Act or shall apply thereto with such modifications as may be specified in the Order.

(3) Every municipal or district council, unless sooner dissolved, shall continue for five years from the date on which the poll for the return of the entire municipal or district council, as the case may be, is taken and shall, subject to the other provisions of this Act, stand dissolved as from the date a poll is next taken for the holding of election for the return of the entire municipal or district council.

(4) The President shall, for the purpose of electing a municipal or district council, issue a writ of election as provided in the Representation of the People Act.

12. Voting at ordinary elections of municipal and district councils

(1) Each person entitled to vote at an ordinary election in any of the electoral wards of Mauritius shall have four votes comprising of three electoral ward votes and one for the town or district vote, as the case may be.
(2) The ward votes shall be given for three candidates to be councillors for the electoral ward.

(3) The town or district vote shall be given for a registered political party having submitted a list of candidates for election as Councillors for the town or district, as the case may be.

(4) The three councillors for each electoral ward shall be returned under the simple majority system.

(5) Additional councillors for the town or district, as the case may be, shall be returned under the system of proportional representation in accordance with sections 13 to 15.

(6) The persons who are to be returned as councillors for each of the wards must be elected before it is determined who are to be returned as additional councillors for the town or district, as the case may be.

(7) At an ordinary election, no person shall be a candidate in more than one electoral ward.
13. Party lists for towns and districts

(1) Any registered political party may submit to the Electoral Commissioner a list of candidates for election as councillors for a town or district.

(2) The list shall have effect in relation to –

(a) the ordinary election; and

(b) any vacancies in seats of councillors returned for the town or district, which may occur after that election and before the next ordinary election.

(3) (a) The list shall include the names of ten persons who shall be the registered political party's candidates for election as councillors for the town or district, as the case may be.

(b) The list shall not include more than 70% of persons of the same sex.
(c) The list shall reflect the diversity of the local electorate, with persons of
different age groups, ethnicity, religious and philosophical beliefs,
cultural and linguistic affinity, and other status in the local community.

(d) The list shall indicate the order of precedence of each of the candidates
appearing thereon.

(4) The list shall not include the name of a person -

(a) whose name is included on any other list submitted for election as a
councillor for a town or district;

(b) who is an individual or a registered party candidate for election as a
councillor for an electoral ward.

14. Calculation of towns and districts figures

In order to calculate the town or district figure of a registered political party having
submitted a list of candidates for election as councillors for a town or district, the total
number of town or district votes, as the case may be, given for each such registered
political party shall be divided by the aggregate of one and the number of candidates of
the party returned as councillors from the electoral wards of the local council area.
15. Return of additional municipal and district councillors from party lists

(1) The first seat of councillor for a town or district, as the case may be, shall be allocated to the registered political party with the highest town or district figure.

(2) The second and subsequent seats of councillors shall be allocated to the registered political party with the highest town or district figure after any recalculation required by subsection (3) has been carried out.

(3) There shall be a recalculation of a registered political party's town or district figure under section 14 -

(a) for the application of subsection (2) if the application of subsection (1) resulted in the allocation of a seat to the party; or

(b) for any subsequent application of subsection (2), if the previous application of that subsection did so, provided that for any recalculation of a party's town or district figure, the dividing figure shall be the aggregate of one and the previous aggregate figure used to calculate the town or district figure of the registered political party.
(4) Seats of councillors for the town or district allocated to any registered political party shall be filled by the persons on the party's list in the order of precedence in which they appear on the list.

(5) Once a registered political party's list has been exhausted by the return of persons included on it as additional councillors for the municipal or district council, as the case may be, by the previous application of subsection (1) or (2), the party shall be disregarded.

(6) Where on the application of subsection (1) or subsection (2), the highest town or district figure is that of two or more registered political parties, the subsection shall apply to each of them.

(7) Where the application of subsection (6) would result in the allocation of more than the full number of seats for the town or district, subsection (1) or (2) shall not apply until a recalculation of the town or district figure has been carried out after adding one to the number of votes given for each registered political party with that town or district figure.

(8) Where after the application of subsection (7), the highest town or district figure is still that of two or more registered political parties, the Electoral Commissioner shall decide between them by lots.
(9) No party shall be entitled to any seat as councillor for a town or district unless it has scored at least 10 percent of the total number of town or district votes expressed for all the parties.

(10) Where following the return of additional councillors in accordance with subsections (1) to (9), a registered political party having obtained more than 50% of the seats of councillors from electoral wards, finally finds itself with a total of less than 50% of the seats, there shall be allocated to that party such number of additional seats as may be necessary to ensure that it disposes in the municipal or district council, as the case may be, of a majority of 50 percent plus one of the total number of seats.

16. Election of village councillors

(1) The village councillors shall be elected in accordance with the Representation of the People Act.

(2) Elections of village councils shall be held on a day appointed by the President of the Republic, and thereafter in every succeeding fifth year.

(3) When giving notice of election of members of every village council, the Electoral Commissioner shall indicate the number of councillors to be elected per village council.
(4) Every person entitled to vote at an ordinary election of village councillors shall vote for a minimum of one candidate up to the maximum number of councillors as is specified in the notice referred to in subsection (3).

17. Right to vote at local elections

(1) Subject to subsection (3), any person who is registered as an elector of a ward in a town or district shall be entitled to vote at any election for the ward of that town or district, unless he is prohibited from so doing by the operation of any law by virtue of he is a returning officer or has committed any offence connected with elections.

(2) Subject to subsection(3), any person who is registered as an elector of a village council area shall be entitled to vote at any village council election, unless he is prohibited from so doing by the operation of any law.

(3) No person shall be entitled so to vote if on the date prescribed for polling he is in lawful custody or, except in so far as may otherwise be prescribed, he is for any other reason unable to attend in person at the place and time prescribed for polling.

18. Qualifications of electors for local authorities

(1) Subject to section 19, a person shall be entitled to be registered as an elector for the election of municipal or district or village councillors where he is-
(a) a Commonwealth citizen of the age of 18 and above;

(b) domiciled and resident in Mauritius; and

(c) as at 1 January in the year in which the register is being compiled -

(i) resident in that town or district or village, as the case may be;

(ii) paying the local rate to the local authority; or

(iii) the owner or tenant of an immovable property in any town or district or village, as the case may be.

(2) No person shall be registered as an elector in more than one ward of a town or district.

(3) No person shall be registered as an elector in more than one village council area.

19. Disqualifications of electors

No person shall be entitled to be registered as an elector for the election of members of a local authority who–

(a) is serving a sentence of imprisonment, by whatever name called, exceeding 12 months, imposed on him by a Court of law in Mauritius or substituted by competent authority for some other sentence imposed on him or is under such a sentence of imprisonment, the execution of which has been suspended;

(b) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any enactment; or
(c) is disqualified for registration as an elector by any enactment relating to offences connected with elections.

20. Local Government Boundaries Commission

(1) There shall be established a Local Government Boundaries Commission composed of a Chairperson, and two to four other members appointed by the President, on the advice of the Prime Minister after consultation with the Leader of the Opposition and such other persons as he may think fit.

(2) The Commission shall periodically review the boundaries of local areas and electoral wards and shall make recommendations to the President for changes in existing local areas or electoral wards.

21. Establishment of new authorities

(1) The President may, by Order, create any new local authority and extend to that authority the provisions of this Act.

(2) Where a new administrative area is created under subsection(1), the President may, in the Order creating such area, or in any subsequent Order -
(a) appoint persons to act as councillors of the local authority of that area;
(b) fix the date on which the first councillors shall retire from office; and
(c) fix such dates, times and places for the first election of councillors or appoint such persons to perform such duties, and make such temporary modifications to this Act, applying to that area, as may appear necessary to him so that such provisions be applicable to the first constitution of the local authority.
(3) The dates, times and places fixed by such Order, and any persons mentioned in the Order to perform any duties shall, as regards the area created by the Order, be respectively substituted in any provisions applied by the Order for the dates, times, places and persons mentioned in such provisions, and the persons mentioned in the Order shall have the like functions and be subject to the like obligations, as the officers and persons mentioned in those provisions.

(4) Subject to the provisions of the Order creating a new area, the provisions of this Act and any other enactment applying to an area such as that created by the Order shall, on the coming into operation of the Order, apply to the area created by the Order and where the first Mayor, Deputy Mayor, chairperson or Vice-Chairperson, councillor or any of them are named in the Order, shall apply as if they were elected or appointed under this Act and, where they are not so named, shall apply to their first election.

22. Changes in local government areas and electoral wards

(1) The President may, on the recommendation of the Local Government Boundaries Commission and after consulting the local councils concerned and such other person as he thinks fit, by Order, alter the boundaries of any local authority or any electoral ward.

(2) An Order made under subsection (1) may contain such consequential or supplementary provisions with respect to administrative arrangements as may appear to be necessary and proper for the purpose of such Order and, without prejudice to the generality of the foregoing provision, may provide -
(a) for the abolition, establishment, restriction or extension of the jurisdiction of any local authority in or over any part of the area affected by the Order;

(b) for the name of any altered area;

(c) for the adjustment or alteration of the boundaries of any area affected by the Order, and for the constitution and election of the local authority in any such area;

(d) for the functions or area of jurisdiction of any local authority within the area affected by the Order, and for the costs and expenses of any such authority;

(e) for the temporary disposition of the assets, or for meeting the debts and liabilities of the various local authorities affected by the Order, for the management of their property, and for regulating the duties, position and remuneration of officers affected by the Order;

(f) for the transfer of any writs, process, records, and documents relating to or to be executed in any part of the area affected by the Order, and for determining questions arising from such transfer;

(g) for the adjustment of any property, debts and liabilities affected by the Order and for the continuance in office of any officers of the local authority for the purposes of such adjustment.

(3) An Order made under this Part may, as respects any area affected by the Order, contain such incidental, consequential or supplemental provision as may be
necessary for the total number of councillors, if any, and the first election of councillors for any new or altered area.

Part IV – COUNCILLORS AND PROCEEDINGS OF LOCAL AUTHORITIES

23. Qualifications for councillors

Subject to section 24, no person shall be qualified to be elected as a councillor of a local authority unless –

(a) he is qualified to be registered as an elector for the election of councillors of a local authority; and

(b) he is able to speak and, unless incapacitated by blindness or other physical cause, to read English and French languages with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the authority.

24. Disqualification of councillors

No person shall be qualified to be a councillor if he -
(a) is a Minister or a Junior Minister or a Parliamentary Private Secretary or a member of the Rodrigues Regional Assembly;

(b) is the holder of, or is acting in, an office of emolument –

(i) under the State, other than that of the National Assembly;

(ii) under a local authority, other than that of Mayor or Deputy Mayor of a town, Chairperson or Vice-Chairperson of a district council or councillor of a local authority.

(c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Mauritius or has obtained the benefit of a cessio bonorum in Mauritius;

(d) is disqualified, otherwise than at his own request, from practising as a law or medical practitioner or a dental surgeon in Mauritius or in any part of the Commonwealth by the order of any competent authority;

(e) has, within the 5 years preceding the day of his nomination or election, or since his nomination or election, been sentenced by a Court in any part of the Commonwealth to penal servitude or imprisonment for any offence involving corruption, fraud and dishonesty, or to a fine or imprisonment for any drug related offence;

(f) is a party to, or a partner in a firm, or a director or manager of a company which is a party to, any contract with the particular local authority and has not, within 14 days after his nomination as a candidate for election, published in the English or French language in the Gazette and in a daily
newspaper, a notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein;

(g) is disqualified from acting as a councillor by any enactment for having committed an offence connected with elections;

(h) is disqualified for election by any enactment by reason of his holding, or acting in, any office, the functions of which involve-

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register.

25. Multiple candidature unlawful

No person shall –

(a) be a member of more than one municipal or district or village council;

(b) stand as a candidate for election to more than one municipal or district or village council at one and the same election;

(c) stand as a candidate for election to any municipal or district or village council if he is already a member of any municipal or district or village council except where the whole council of which he is a member is due for re-election.
26. Term of office of councillors

Subject to the provisions of this Act, the term of office of a councillor shall begin on the day on which he takes the oath in terms of section 27 and shall terminate on the eve of the day on which polling takes place for an ordinary election of councillors.

27. Oath to be taken by councillors

(1) Subject to subsection (2), every councillor shall, before taking his seat at the council, take and subscribe the oath specified in the Sixth Schedule at a public sitting held in the Council Chamber.

(2) The councillors present shall take the oath in alphabetical order of their surnames.

(3) The seat of a councillor shall become vacant where, without reasonable excuse, he fails or neglects to take and subscribe the oath specified in subsection (1) within a period of 4 weeks of his election or appointment, as the case may be.

(4) Any councillor who willingly refuses to take and subscribe the oath required to be taken or, without reasonable excuse, fails to do so within 4 weeks of his election, shall commit an offence and shall, on conviction, be liable to pay a fine which shall not be less than 25,000 rupees nor more than 50,000 rupees, and shall further be disqualified to be a councillor for a period of 10 years.
28. Proceedings in respect of disqualification

(1) (a) The Attorney-General or any registered elector of the authority concerned may institute proceedings in the Supreme Court against any person acting or claiming to be entitled to act as a councillor while disqualified within the meaning of this Part.

(b) Proceedings under this section shall not be instituted after 6 months from the date on which the councillor so acted.

(2) Where, in proceedings instituted under this section, it is proved that the defendant is disqualified from acting as councillor, the Supreme Court may-

(a) make a declaration to that effect;

(b) declare that the office in which the defendant claims to be entitled to act is vacant;

(c) grant an injunction restraining him from so acting; and

(d) order the defendant to pay to the Council a sum not exceeding 10,000 rupees for each occasion on which he so acted while disqualified.

(3) For the purposes of this section, a person shall be deemed to be disqualified from acting as a councillor -
(a) where he is not qualified to be, or is disqualified from being, a councillor, or from holding that office; or

(b) where he has ceased to be a councillor, or to hold that office, for any of the reasons mentioned in section 24 or 37.

29. Acts done by disqualified persons

The acts and proceedings of any person elected to an office under this Act and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he has been qualified.
30. Duties of councillors

(1) A councillor shall at all times act honestly in the performance and discharge of his official functions and duties;

(2) A councillor shall at all times act with reasonable care and diligence in the performance and discharge of official functions and duties;

(3) A councillor or a former member of a council shall not make improper use of information acquired by virtue of his position as a member of the council to gain, directly or indirectly, an advantage for himself or for another person or to cause detriment to the council;

(4) A councillor shall not make improper use of his position as a member of the council to gain, directly or indirectly, an advantage for himself or for another person or to cause detriment to the council.

31. Code of conduct for councillors

The Minister shall, time and again, after consultation with local authorities and such other authorities as he may think fit, issue a Code of Conduct for Councillors which he shall cause to be published in the Government Gazette.
32. Disability because of interest

(1) (a) Where any councillor having any direct or indirect pecuniary interest in any contract or other matter is present at a meeting of the local authority at which such contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose his interest and shall not take part in the consideration or discussion of, and shall not vote on any question with respect to, the contract or other matter.

(b) Paragraph (a) shall not apply to an interest in a contract or other matter which the councillor may have as a rate-payer or inhabitant of the area, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(2) For the purposes of this section, a person shall, subject to subsection (1)(b), be treated as having an indirect pecuniary interest in a contract or other matter, where -

(a) he or any of his nominee is a director of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.
For the purposes of this section, the interest of spouses living together shall be deemed to be an interest of both spouses.

A general notice given in writing by a councillor to the Chief Executive to the effect that -

(a) he or his spouse is a director, or is in the employment, of a specified company or other body; or

(b) that he or his spouse is a partner, or in the employment, of a specified person,

shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract, or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

The Chief Executive shall record, in a book to be kept for that purpose, particulars of any disclosure made under subsection (1) and of any notice given under subsection (4), and the book shall, at all reasonable hours, be open to the inspection of any councillor or elector.

Any councillor who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

It shall be a defence for any person prosecuted under subsection (6) to establish that he did not know that the contract, proposed contract, or other matter in which he has a pecuniary interest was the subject of consideration at the meeting.
(8) No prosecution for an offence under this section shall be instituted except on information filed by the Director of Public Prosecutions.

(9) The President, acting in his own deliberate judgment, may, subject to such conditions as he thinks fit, remove any disability imposed by this section in any case where the number of councillors of the local authority so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the President that it is in the interest of the inhabitants of the area that the disability should be removed.

(10) The local authority may, by resolution, exclude any councillor from any meeting while any contract, proposed contract, or other matter in which he has such an interest is under consideration.

33. Privilege of councillors

(1) No action shall lie against any councillor in respect of any statement or communication made by the councillor to the local authority, where he has an interest or duty, legal, social or moral to make the statement or communication to the authority and the authority has a corresponding interest or duty to receive the statement or communication.
(2) The privilege conferred by subsection (1) shall extend only to a statement or communication upon the subject with respect to which the privilege exists, and shall not extend to anything that is not inherent or pertinent to the discharge of the duty, of the exercise of the right, or the safeguarding of the interest, which creates the privilege.

34. Protection of councillors against outrage

Sections 156(1), 158(1) and 160 of the Criminal Code Act shall extend to cases of outrage and violence against, and shall be applicable to, any councillor.

35. Election of Mayor of town and Chairperson of district council

(1) The Chief Executive shall, between the seventh day and the fourteenth day following the proclamation of the results of an ordinary municipal or district election, convene a meeting of all the returned candidates who, after taking the oath referred to in section 27, shall meet under the chairmanship of the Senior Councillor, to elect from amongst themselves-

(a) in the case of a municipal council, a Mayor and a Deputy Mayor,
(b) in the case of a district council, a Chairperson and a Vice-Chairperson,

who, unless they resign their office or are sooner removed, shall remain in office for a period of 20 months.

(2) Between the 21 and 24 of the month in which the term of 20 months specified in subsection (1) expires-
(a) every municipal council at a special meeting held for that purpose and convened by the Chief Executive, shall meet under the chairmanship of the Mayor and elect from amongst the councillors, a Mayor and a Deputy Mayor,

(b) every district council at a special meeting held for that purpose and convened by the Chief Executive, shall meet under the chairmanship of the Chairperson and elect from amongst the councillors, a Chairperson and a Vice-Chairperson, who, unless they resign their office or are sooner removed, shall hold their office for a period of 20 months, starting from the first day of the month following the election.

(3) Between the 21 and 24 of the month in which the term of 20 months specified in subsection (2) expires-

(a) every municipal council at a special meeting held for that purpose and convened by the Chief Executive, shall meet under the chairmanship of the Mayor and elect from amongst the councillors, a Mayor and a Deputy Mayor,

(b) every district council at a special meeting held for that purpose and convened by the Chief Executive, shall meet under the chairmanship of the Chairperson and elect from amongst the councillors, a Chairperson and a Vice-Chairperson, who, unless they resign their office or are sooner removed, shall hold their office for a period of 20 months, starting from the first day of the month following their election until such time as a new Mayor and a Deputy Mayor or a new Chairperson and Vice-Chairperson, as the case may be, are elected following an election for the renewal of the whole Council.
36. Election procedure

(1) In the case of elections for the office of Mayor and Deputy Mayor of a municipal council, or Chairperson and Vice-Chairperson of a district council, appointed after an ordinary election, the Senior Councillor shall receive nominations of candidates from any councillor who has been already sworn, except that no member shall nominate more than one member for the same office.

(2) Where the Senior Councillor receives –

(a) the nomination of not more than one candidate for an office, he shall declare that candidate duly elected;

(b) the nominations of more than one candidate, an election shall be held by secret ballot.

(3) (a) The candidate receiving the highest number of votes shall be declared elected to the office of Mayor or Deputy Mayor of a municipal council, of Chairperson or Vice-Chairperson of a district council, as the case may be.

(b) In case of an equality of votes, the ballot shall be retaken in respect of the relevant candidates.

(4) Where, on the second ballot, there is again an equality of votes, the person to be elected shall be designated by drawing of lots between the candidates having received the same number of votes.
37. Powers of Mayor of town and Chairperson of district council

(1) Subject to subsections (2) and (3), the executive authority of a municipal or district council shall vest in the Mayor of the town or the Chairperson of the district council, as the case may be.

(2) The Mayor of a town or the Chairperson of a district council, as the case may be, shall exercise general direction and control over the activities of the council and, subject to such direction and control, all departments of the council shall be under the supervision of a Chief Executive, who shall be a local government officer.

(3) The Chief Executive shall be responsible, in accordance with such instructions as may be given to him by the Mayor of the town or the Chairperson of the district council, as the case may be, for arranging the business for, and keeping the minutes of, the council or any of its committees and for conveying the decisions of the council or any of its committees to the appropriate person or authority, and shall have such other functions as the Mayor of the town or the Chairperson of the district council may direct and as is laid down in this Act or any other enactment.

(4) Any act required to be done by the Mayor of a municipal council, or the Chairperson of a district council, may, in his absence, be done respectively by the Deputy Mayor of the municipal council or the Vice-Chairperson of the district council.

(5) Where both the Mayor and the Deputy Mayor of a municipal council, or where both the Chairperson and Vice-Chairperson of a district council, are absent from their respective offices, the municipal council or district council, as the case may
be, shall, at a meeting held under the chairmanship of the Senior Councillor, appoint a Substitute Mayor or a Substitute Chairperson who shall act as Mayor of the municipal council or Chairperson of the district council until such time as the Mayor or Deputy Mayor of the municipal council, or Chairperson or Vice-Chairperson of the district council, resumes office.

38. Revocation of Mayor or Chairperson

(1) Where the Mayor of a municipal council or the Chairperson of a district council no longer commands a majority, the President may revoke the Mayor or Chairperson, as the case may be, and order that a new Mayor or Chairperson be elected in accordance with section 36 within such time as he shall fix.

(2) A Mayor or Chairperson elected in accordance with subsection (1) shall hold office until such time as the Mayor or the Chairperson, as the case may be, whom he is called to replace would have normally vacated his office.

39. Election of Chairperson and Vice-Chairperson of village councils

(1) Between the 10th and 15th day following the return of candidates at village council elections, the Chief Executive of a district council shall convene a meeting of all the returned candidates for each village council in the district under the jurisdiction of the district council who, after taking the oath referred to in section 27, shall meet under the chairmanship of the Senior Councillor for the purpose of electing a chairperson and a Vice-Chairperson.

(2) Where the Senior Councillor receives –
(a) the nomination of not more than one candidate for an office, he shall declare that candidate duly elected;

(b) the nominations of more than one candidate, an election shall be held by secret ballot.

(3) Where there is an equality of votes between members at an election, the election as between those members who have obtained equal numbers of votes shall be decided by the drawing of lots by the Senior Councillor.

(4) In any other year the election of the Chairperson and Vice-Chairperson shall be held between 1 and 7 July, under the chairmanship of the Chairperson, in accordance with the procedure set out in subsections (2) and (3).

(5) The chairperson and vice-chairperson previously appointed shall continue in office until the election of a new chairperson and a vice-chairperson, and shall be eligible for re-election.

(6) Where the chairperson or the vice-chairperson ceases to be resident within the village where he was elected, he shall be deemed to have vacated his office as such from that time.

(7) Where any dispute arises as to whether a chairperson or a vice-chairperson is resident within the village where he was elected, the matter shall be referred to the Permanent Secretary whose decision shall be final.
40. Meetings and proceedings of local authorities

(1) Part A of the Sixth Schedule shall have effect as respect the meetings and proceedings of a municipal or district council, and any committee thereof.

(2) Parts B of the Sixth Schedule shall have effect as respect the meetings and proceedings of village councils.

(3) (a) Subject to paragraph (b), a meeting of a council or council committee shall be conducted in a place open to the public.

(b) A council or council committee may order that the public be excluded from attendance at a meeting to the extent (and only to the extent) that the council or council committee considers it to be necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence any information or matter listed in paragraph (c) (after taking into account any relevant consideration under that paragraph).

(c) The following information and matters are listed for the purposes of paragraph (b):

   (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

   (ii) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest;

   (iii) information the disclosure of which would reveal a trade secret;
(iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest;

(v) matters affecting the security of the council, councilors or employees of the council, or council property, or the safety of any person;

(vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

(vii) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

(viii) legal advice;

(ix) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

(x) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister, or another public authority or official (not being an employee of the council, or a person engaged by the council) and would, on balance, be contrary to the public interest;

(xi) tenders for the supply of goods, the provision of services or the carrying out of works;

(xii) any other information or matter which must, in the public interest, be kept confidential.
(4) The Minister may, after consultation with the local authorities concerned, by regulations amend the Sixth Schedule.

41. Appointment of committees

(1) A local authority, other than a village council –

(a) shall appoint the following standing committees:
   (i) Health and Safety Committee;
   (ii) Public Health and Environment Committee;
   (iii) Finance Committee;
   (iv) Welfare, Sports and Public Relations Committee;
   (v) Public Works and Infrastructure Committee;
   (vi) Library, Education and ICT Committee;
   (vii) Human Resource and Development Committee;
   (viii) Committee of the Whole Council.

(b) may appoint such other committees for any other general or special purpose as in the opinion of the local authority would be better regulated and managed by means of a committee; and

(c) delegate to a committee so appointed, with or without restrictions or conditions, as it thinks fit, any functions exercisable by the local authority with respect to the whole or a part of the area of the local authority, except the power of levying a rate, or of borrowing money.
(2) The number of members of a committee appointed under this section, their term of office, the area within which the committee is to exercise its authority, and the quorum of such committee, shall be fixed by the local authority.

(3) No person other than a councillor shall be a member of any committee appointed under this section.

(4) Every member of a committee appointed under this section who at the time of his appointment was a member of the local authority by which he was appointed shall, upon ceasing to be a member of the authority, also cease to be a member of the committee.

(5) All decisions taken by any committee under delegated powers shall be reported to the authority at the next council meeting and, when adopted, shall become a resolution of the Council.

42. Access to information by councillors

(1) A councillor shall be entitled at any reasonable time, in connection with the performance or discharge of his functions or duties of councillor (whether under this or another Act), without charge, to have access to any relevant council document, including (but not limited to)—

(a) a copy of a written contract entered into by the council, or a copy of a document relating to a contract that is proposed to be entered into by the council;
(b) accounting records kept by the council;
(c) financial statements and other documents prepared by the council under this Act.

(2) A request for access to a document under subsection (1) should be directed to the Chief Executive.

(3) The Chief Executive providing access to a document under subsection (1) may indicate to the councillor that information contained in the document is, or should be considered as, confidential.

43. Training and development of councillors

(1) A local authority shall prepare, in accordance with such guidelines as may be issued by the Minister, and adopt a training and development policy for its councillors.

(2) The policy shall aim at assisting councillors in the performance and discharge of their functions and duties.

(3) A local authority may from time to time alter its policy, or substitute a new policy.
44. Remuneration of councillors

(1) The mayor, deputy mayor and every municipal councillor shall be paid such monthly remuneration as may be prescribed.

(2) The chairperson, vice-chairperson and every district councillor shall be paid such monthly remuneration as may be prescribed.

(3) The chairperson of a village council shall be paid such remuneration as may be prescribed.

45. Vacation of office by resignation

(1) A person elected to any office under Part III may resign his office by writing signed by him and delivered to the Chief Executive.

(2) Any such resignation shall take effect on the receipt of the notice of resignation by the person to whom it is required to be delivered.
46. Vacation of office in other cases

The seat of a councillor shall become vacant -

(a) on his death;

(b) where, without the prior leave of the council, he fails throughout a period of 3 consecutive months to attend any meeting of that Council and/or of any of its committees to which he has been appointed;

(c) where, without the approval of the President, he or any firm of which he is a partner or manager or any company of which he is a director or manager becomes a party to any contract with the Council of which he is a councillor, or where, without such approval, he becomes a partner of a firm, or a director or manager of a company which is a party to any such subsisting contract;

(d) where he becomes disqualified under section 24 or where he ceases to be a citizen of the Commonwealth;

(e) where he is elected to be a councillor of any other local authority or a member of the Rodrigues Regional Assembly.
47. Declaration of vacancy in office

(1) Where a councillor –

(a) ceases to be qualified as a councillor;

(b) becomes disqualified from being a councillor for any reason other than by reason of a conviction or a breach of any enactment relating to electoral offences; or

(c) ceases to be a councillor for any reason specified in section 46 (b), (c), (d) and (e),

the Chief Executive shall, except in any case in which a declaration has been made by the Supreme Court under this Part, forthwith declare his office to be vacant.

(2) The notice of a declaration of vacancy shall be signed by the Chief Executive and sent forthwith to the President who shall cause notice of the vacancy to be published in the Gazette.

(3) Any person aggrieved by the decision of the Chief Executive under this section may, by way of motion, move the Supreme Court to set aside the decision.
48. Date of casual vacancies

For the purpose of filling a casual vacancy in any office for which an election is held under this Act, the vacancy shall be deemed to have occurred –

(a) in case of resignation, on receipt of the resignation by the Chief Executive;

(b) in case of death, on the date of death of the councillor;

(c) in case of a disqualification by reason of conviction, on the expiration of the delay for lodging an appeal or, where an appeal is lodged, on the day it is finally disposed of by the Supreme Court;

(d) in case of an election being declared void on election petition, on the date of the judgment of the Court; or

(e) in case of a person ceasing to be qualified to be a councillor, or becoming disqualified for any reason other than that specified in paragraph (c) or ceasing to be a councillor for any reason specified in section 46 (b), (c), (d) and (e), on the date on which his office is declared vacant by the Chief Executive or by the Supreme Court, as the case may be.
49. Casual vacancy of Mayor, Deputy Mayor, Chairperson or Vice-Chairperson

On a casual vacancy occurring in the office of Mayor or Deputy Mayor of a municipal council, or of Chairperson or Vice-Chairperson of a district council or a village council, an election to fill the vacancy shall be held within 15 days of the occurrence of such vacancy and shall be conducted in the manner provided in section 36 or 39.

50. Casual vacancies amongst councillors

(1) Where a casual vacancy occurs in the office of a Councillor of a municipal or district or village council, the Chief Executive shall, not later than 3 days after the occurrence of the vacancy, give written notice thereof to the Minister who shall immediately inform the President of same.

(2) Subject to subsection (3) and section 51, the vacancy shall be filled by election –

(a) in case of less than 3 vacancies amongst the councillors, where the Minister considers it is in the public interest to hold an election and he so informs the Electoral Supervisory Commission; or

(b) in case of 3 or more amongst the councillors, unless the Electoral Supervisory Commission, after consultation with the Minister, considers
that the vacancies will not upset the relativity between the number of councillors in the majority group and in the opposition respectively.

(3) No election under subsection (2) shall be held within 6 months of an Assembly election unless the Minister thinks it is in the public interest to do so.

(4) An election to fill any vacancy under subsection (2) shall be –

(a) held on such day as may be fixed by the President after consultation with the Electoral Commissioner by notice published in the Gazette, being not more than 75 days and not less than 28 days after the date of such publication;

(b) conducted in the same manner as an ordinary election.

(5) The notice under subsection (4) shall be published -

(a) where there are 3 or more vacancies, within 15 days of the occurrence of the third vacancy;

(b) where there is less than 3 vacancies, within 15 days of the occurrence of the last vacancy.

51. Vacancy within 12 months of election

(1) Notwithstanding section 49 or any other enactment, no vacancy among councillors in a local authority, shall be filled where it occurs 12 months or less before the day on which elections for the constitution of such local authority are to be held unless the
Minister, after consultation with the President, informs the Electoral Supervisory Commission that it is in the public interest that the vacancy be filled.

(2) In the event that the number of remaining members of the local authority falls below the number required for a quorum of members of that authority, the President shall appoint such number of persons to be members of the local authority until the holding of such elections as may be necessary to ensure that there is a quorum of councillors at meetings.

52. Acts not invalidated by vacancy

All acts done by a local authority shall, notwithstanding any vacancy in such local authority or the subsequent discovery that there was a defect in the election of a person purporting to be a councillor, be as valid as if no such vacancy or defect had existed.
Part V – FUNCTIONS, SERVICES, POWERS AND OBLIGATIONS OF LOCAL AUTHORITIES

53. Functions of a municipal or district council

(1) Subject to the provisions of this Act, a local authority shall have all the powers of a corporate body and shall, in particular, have such functions as are necessary to further most effectively its purpose and, in particular, to-

(a) develop, implement and monitor its strategic plans and budgets;

(b) plan for and provide services and facilities for the local community;

(c) raise revenue to enable the local authority to perform its functions;

(d) develop, implement and monitor its corporate and financial management control techniques;

(e) establish norms and standards in the conduct of its affairs;
(f) exercise, perform and discharge the duties, functions and powers under this Act or any
other enactment relating to local authorities or any regulations made there under; and

(g) do such things as are incidental or conducive to the performance of any of its functions
under the Act.

(2) A municipal or district council shall, within the limits of the area under its jurisdiction, be
responsible for

(a) subject to the Road Development Authority Act, the Roads Act and the Road Traffic
Act—

(i) the cleaning and lighting of all motorways and main roads;
(ii) the construction, care, maintenance, improvement, cleaning and lighting of all
public roads and traffic signs;
(iii) the removal from any public place or road of any dead animal and the safe
disposal of any carcass or dead body of such animal;
(iv) the removal of any physical obstruction on road reserves;
(v) the control, removal or alteration of advertisements;

(b) subject to any regulations made under section 60(3), the collection and conveyance of
waste to disposal sites;
(c) subject to the Forest and Reserve Act, the undertaking of works of afforestation, terracing and tree planting alongside public roads, and for the purpose of such planting, it may cut and remove any tree growing within 2 metres of any public road unless the owner of the land bordering such road elects to cut and remove the tree himself within such time as may be fixed by the local authority;

(d) the provision, maintenance, management and regulation of public markets, fairs, other than trade fairs and exhibitions which may be organised with the approval of the Minister responsible for the subject of consumer protection pursuant to any regulations made under the Consumer Protection (Price and Supplies Control) Act or other enactment, and places of public auction;

(e) the construction, control, care, management, maintenance, improvement and cleansing of all pavements, drains, bridges, beds and banks of lakes, rivulets and streams;

(f) the construction, care, management, maintenance, improvement, cleansing and lighting of squares, open spaces, parks, gardens, bus shelters, public buildings including lavatories, baths and swimming pools, open and dedicated to the use of the public, except such public buildings which are the property of the State;

(g) the construction, management, maintenance and improvement of public libraries, exhibition halls and art galleries, theatres, places of public entertainment, playing fields, cemeteries, crematoria and cremation grounds, nurseries for infants and pre-primary schools;
(h) the formulation and implementation of policies aimed at responding better to poverty and deprivation, and at safeguarding the socio-economic rights of poor persons;

(i) the formulation and implementation of policies aimed at empowering the youth and the elderly, as well as other vulnerable groups, and ensuring they have access to the tools of communication and information technology;

(j) the control of premises used for commercial, industrial, professional and other related activities;

(k) the construction of commercial, industrial, professional and residential buildings and the management, maintenance and improvement of municipal estates;

(l) the provision, maintenance, control and management of parking places for vehicles;

(m) the control of pollution causing a public or private nuisance;

(n) the licensing, regulation and control of the conduct of business activities, other than those listed under the Tourism Authority Act, within its administrative area;
(o) the promotion of sports development and the organisation of sports activities, including the sponsoring of any club capable of representing the town or district at local, regional and international levels;

(p) the provision of infrastructure for leisure and cultural activities to the inhabitants and the organisation of leisure, welfare and cultural activities;

(q) the provision, maintenance, control and management of traffic centres, including bus stations, stands for lorries and other public vehicles;

(r) necessary action to ensure that the buildings and plots of land along main roads and other frequented roads are properly kept, regularly maintained and embellished;

(s) the preservation and regular proper maintenance of ancient monuments and old and historic buildings, in collaboration with their owners and relevant organisations;

(t) the proper management and regular maintenance of assets handed over to it by any Ministry or Government Department as per the existing Memorandum of Understanding, if any, signed by the Ministry or Department concerned and the local authority;
such other undertaking as may be approved by the Minister; and

such other duties as may be conferred upon it by any other enactment.

54. Functions of a village council

(1) Subject to this section, a village council shall, within the limits of the area under its jurisdiction, be responsible for –

(a) the organisation of sports activities;

(b) the organisation of general welfare and cultural activities;

(c) the running of pre-primary schools and entrepreneurship courses;

(d) the maintenance and improvement of public libraries and computer facilities;

(e) the maintenance of cremation grounds and other public health facilities;

(f) the performance generally of any public works to promote the sanitation and cleanliness of the village and the well being of the inhabitants.

(2) A village council may, subject to the approval of the Minister, carry out any other duties assigned to municipal and district councils under section 53.
55. Powers of a local authority

(1) Subject to any limitations or restrictions imposed by or under this Act or any other enactment, a local authority shall have all the powers to do all things necessary or convenient to be done in connection with the achievement of its purpose and the performance of its functions.

(2) The generality of this section is not limited by the conferring of specific powers by or under this Act or any other enactment.

(3) Notwithstanding anything to the contrary in any other enactment, the areas, places, property and undertakings specified in the Eighth Schedule shall be exclusively controlled, managed, superintended and maintained by, and all revenues there from shall accrue to the Municipal Council of Port Louis.

(4) For the better performance of its functions, any local authority may do such acts and take such steps, including the acquisition and disposal of any property rights which it considers necessary for or conducive or incidental to the exercise of its powers and duties, and may in particular -

(a) enter into such contracts as it deems fit for the efficient discharge, under its supervision and responsibility, of its functions;

(b) in accordance with such guidelines as may be issued by the Minister, enter in partnership with any other local authority, parastatal organisation, private person, firm, partnership or company for the realisation of any joint venture, commercial, industrial or otherwise.
(5) In the exercise of its functions under section 53, a local authority may, temporarily or permanently, close, divert, alter, widen, raise or lower any public road and carry out all works which it considers appropriate in the area, including the planting and felling of trees or shrubs and the digging of wells and conduits.

(6) Where any closure or diversion of any road under this section is likely to be permanent or where any widening requires the demolition of buildings belonging to third parties, the resolution to close, divert or widen the road shall be subject to the approval of the Minister and no work shall be undertaken until notice of the resolution -

(a) has been published in 2 consecutive issues of the Gazette; and

(b) has been communicated to all persons whose premises may be injuriously affected by such works, by registered post with avis de reception at the residence or at the last known place of residence of such persons.

(7) Traffic on any public road may be temporarily stopped and controlled by order of the Commissioner of Police.

(8) Where a local authority fails to carry out any of the duties conferred upon it, the Minister may order any other person to carry out such duties in lieu and stead of that authority, and any expense defrayed in that respect shall be borne by the authority concerned and shall be deductible from any grant payable to it.

(9) (a) A local authority may, by regulations, provide for the procedure for the carrying out of the functions referred to in section 53.
(b) Regulations made under paragraph (a) -

(i) may provide for the levying of fees;

(ii) shall not require the approval of the Minister.

56. Powers of inspectors

(1) Subject to subsection (2), every inspector of a local authority-

(a) shall ensure compliance with the provisions of this Act;

(b) shall have all necessary powers to-

(i) enter at all reasonable times any place where a building is being constructed or repaired to ascertain whether the required development and building permits have been obtained and, if so, whether the conditions of such permits are being respected;

(ii) issue all orders required so that provisions of the Town and Country Planning Act and the Building Act are respected;
(c) shall have the powers, privileges and immunities, and shall perform the duties of a police officer in the execution of all summons and orders issued in relation to any offence against an enactment relating to a local authority;

(d) may seize any article or animal which is the subject-matter of an offence under any enactment relating to a local authority where-

(i) the seizure is necessary for the purpose of establishing the offence; or

(ii) the article or animal is liable to seizure or confiscation;

(e) may, without warrant, arrest any person for any offence under any enactment relating to a local authority where the person-

(i) not being known to him, refuses to give his name and address or gives a name and address which he has reason to consider to be false; or

(ii) runs away or attempts to run away, rescues any article seized or in any way obstructs, hinders, opposes or molests the inspector;

(f) shall wear such uniform, and carry such staff or other insignia of office as the local authority shall determine.
(2) (a) Any offender arrested under subsection (1)(e) shall be taken forthwith to the nearest police station where the officer in charge of the station, if satisfied with respect to the name, position and place of abode of the person arrested, shall release him provisionally after recording all the particulars concerning the case in the occurrence book of the station.

(b) Where the person arrested is not released, he shall be taken as soon as possible before a Magistrate.

(c) Any article or animal seized or confiscated under the provisions of subsection (1)(d) shall be disposed of-

(i) in such manner as the Court may direct;

(ii) where no direction has been issued by the Court, in such manner as the Chief Executive may decide.
57. Markets and fairs

No market or fair shall be erected or opened in any area unless-

(a) the said market or fair has been approved by the relevant municipal or district council and complies with such terms and conditions as it may impose; and

(b) the site and layout plans thereof have been approved by the Sanitary Authority and complies with such terms and conditions, including fire safety norms, as it thinks fit.

58. Occupation of stalls inside markets

(1) Notwithstanding the Landlord and Tenant Act, a municipal or district council may, by contrat à durée déterminée, following a public advertisement and by contract, authorise any person to occupy any stall, shop or other place inside any market or other premises which it controls or manages, on such terms and conditions as it may determine.

(2) The authorisation under subsection (1) shall be for a period of not more than 3 years but may be expressly renewed for further periods not exceeding 3 years, on such terms and conditions, including a revision of the rent payable, as the Council may decide in each particular case.
59. Sale of articles outside markets

(1) Subject to subsection (2), a municipal or district council may, on payment of such fees as may be prescribed and on such conditions as it thinks fit, issue permits for the opening of shops and stalls outside the markets for the sale of such articles as may be specified in regulations made by the municipal or district council.

(2) The site, construction and sanitary arrangements of such shops and stalls shall be in conformity with any enactment relating to sanitation.

(3) No article shall be sold at a market or fair, in a place other than the shop or stall in respect of which the permit was granted.

(4) Regulations made under subsection (1) may provide for the payment of different fees in respect of different permits according to the description of the articles to be sold in such shops or stalls.

(5) The municipal or district council may cancel any permit granted under this section where the provisions of any enactment relating to these articles are not complied with or where the permit holder does not comply with any condition of the permit.
60. Collection and disposal of waste

(1) The Permanent Secretary shall, after consultation with the local authorities, make arrangements for the-

(a) collection, conveyance and disposal of waste; and

(b) operation and management of disposal sites.

(2) In making arrangements under subsection (1), the Permanent Secretary-

(a) shall comply with such standards and code of practice issued under any environmental law;

(b) may consult the Environment Coordination Committee.

(3) The Minister may make regulations-

(a) to give effect to the arrangements made by the Permanent Secretary; and

(b) for the efficient management and control of solid waste and its collection, conveyance and disposal.

(4) Without prejudice to the generality of the provisions of subsection (3), the regulations may provide-
(a) for the issue, amendment and revocation of licences or permits;

(b) for the making of different provisions for different categories of waste and for different disposal sites;

(c) for the taking of fees and the levying of charges, including different charges for-

(i) the removal of different sorts or categories of waste;

(ii) the removal of waste from properties or part of properties used for residential, commercial or industrial purposes;

(d) for the removal of waste unlawfully deposited and the recovery of expenses incurred for the removal of same;

(e) for any matter relating to enforcement, including the issue of enforcement notices, powers of entry, search and arrest, and the seizure of any vehicle, object or thing used in the commission of an offence under the regulations;

(f) that any person who contravenes them shall commit an offence and shall, on conviction, be liable-
(i) in case of a first offence, to a fine of not less than 10,000 rupees and not more than 20,000 rupees; and

(ii) in case of a second or subsequent offence, to a fine of not less than 20,000 rupees and not more than 50,000 rupees and to imprisonment for a term not exceeding 5 years;

(g) that, in addition to the penalty provided under paragraph (f), the Court may, on conviction, order the forfeiture of any vehicle, object or thing used in the commission of the offence.

(5) Subject to any requirements imposed under any environmental law, the Minister may, by notice in the Gazette, designate a disposal site.

61. Sanitation and road works

(1) Subject to any enactment relating to buildings, drains, quarantine, drainage or waste water, any local authority may take measures for the construction, repair, maintenance, cleaning and general care of all drains, sewers, gutters and cross-gutters in the area falling within its jurisdiction.
(2) Nothing in this section shall affect the operation of the Wastewater Management Authority Act and the control of the waste water system and of any extension of same and, subject to subsection (3), the local authority shall not object to, oppose or hinder any digging or other works consequent thereon or incidental thereto, where notice has been duly given to the Council.

(3) (a) No person shall carry out any works likely to damage the surface of a road unless-

(i) he obtains, pursuant to an application, a written authorisation from the local authority in whose area the road is to be found; and

(ii) he strictly complies with all the conditions imposed by the local authority.

(b) The authority shall deal with an application for an authorisation made under subsection (3)(a)(i) expeditiously.

(4) (a) Any person who contravenes subsection (3), shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees and not more than 20,000 rupees, and the Court shall, on motion of the local authority, further order him to pay to the local authority the cost or estimated cost of repairing and resurfacing the damaged part of the road.
(b) It shall be a defence for any person prosecuted for an offence under paragraph (a) to prove that-

(i) an application for an authorisation made under subsection (3)(a)(i) has not been dealt with within a reasonable time;

(ii) the works undertaken were required to be done urgently; and

(iii) he has offered to pay to the local authority the cost or estimated cost of repairing and resurfacing the damaged part of the road.

62. Abatement of nuisance

(1) Where the Sanitary Authority considers-

(a) that any nuisance exists on, or in respect of, any road, bridge, building or other place mentioned in section 53(2); or

(b) that-

(i) the construction, repair or cleaning of any gutter or drain; or
(ii) the alteration, improvement or repair of any building, work or construction on premises situate within or outside the boundaries of a local authority and belonging to, or under the management of, that local authority is required in the interest of public health, the Sanitary Authority shall, by order in writing, call upon the local authority to cause the nuisance to be abated or the works to be commenced within such time as may be fixed by the Sanitary Authority.

(2) (a) The Sanitary Authority shall notify the Minister of any failure by a local authority to comply with a final order of the Sanitary Authority.

(b) On being informed that an authority has failed to comply with an order of the Sanitary Authority for the abatement or otherwise of a nuisance, the Minister may cause such nuisance to be abated or such works to be carried out, as the case may be, by a third party, and all the expenses incurred in the abatement of the nuisance or the carrying out of the works shall be charged to the authority or deducted from any grant payable to it.

(3) In this section, "nuisance" has the meaning assigned to it by section 18 of the Public Health Act.
63. Thoroughfares on private property

(1) No street, lane, alley or thoroughfare shall be considered to be dedicated to public use until the local authority has approved its dedication to public use and of the manner in which it has been made.

(2) No person shall create a street, lane, alley, or thoroughfare on his land for dedication to public use without giving notice of his intention to the local authority concerned.

(3) Subject to section 172, a local authority shall name any street, lane, alley or thoroughfare dedicated to public use.

64. State lands in Port Louis

(1) (a) The Municipal Council of Port Louis shall be vested with the control and maintenance of the State land known as the Champ de Mars situate in the town of Port Louis.

(b) The Municipal Council shall not sell, lease, occupy or build on the Champ de Mars without the sanction of the President and shall ensure that no person occupies or builds on that land without the sanction of the President.
(c) The State may, at any time, on giving notice to the Municipal Council of Port Louis, resume its full rights over the whole or any part of the Champ de Mars.

(d) Any building and other property belonging to the Municipal Council of Port Louis which, at the time of resumption of the rights referred to in paragraph (c), are to be found on the Champ de Mars, may be removed by order of the State.

(2) (a) The Municipal Council of Port Louis shall be vested with the control and maintenance of the 6 portions of State land situate at Guy Rozemont Square in the town of Port Louis, and described in the Ninth Schedule, and shall provide and maintain a proper and sufficient roadway on each side of Guy Rozemont Square for the purpose of access to the former War Department property and other property situate there.

(b) The Municipal Council of Port Louis shall maintain portion A of the Ninth Schedule as a roadway which shall bear the name of Decaen Street.

(c) The Municipal Council of Port Louis shall maintain portion F of the Ninth Schedule as a passage to be known as Bouvet Lane so as to give free access to the former War Department property.

65. Power to acquire, sell or exchange land and buildings

(1) Subject to subsection (7), a local authority may, with the express consent of the Minister, acquire by way of compulsory acquisition, purchase, lease or exchange, any
land wherever situate for the purpose of any of its functions under this Act or any other enactment, even if the land in question is not immediately required for such purpose.

(2) Any land acquired under this section may, until it is required for the purpose for which it was acquired, be held and used for any purpose falling within the functions of the local authority.

(3) No land shall be acquired by way of purchase or lease where the price or rent to be paid therefor exceeds that assessed by the Government Valuer.

(4) Subject to subsection (5), a local authority may, with the consent of the Minister—

(a) sell any land or building it owns; or

(b) exchange any of its lands for other land, with or without “soulté”.

(5) No land shall be sold or exchanged for a price which is below the market value of the land it is proposed to sell or exchange, as assessed by the Government Valuer.

(6) No land shall be acquired by way of exchange where the value of the land intended to be received in exchange is below the Government Valuer’s assessment of the value of the land it is proposed to acquire.

(7) Any compulsory acquisition under subsection (1) shall be made on behalf of a local authority by Government in accordance with the Land Acquisition Act.
66. Lease granted by local authorities

(1) No lease of any immovable property belonging to a local authority shall be granted or renewed for a period exceeding 3 years without the express written approval of the Minister.

(2) Any lease granted in breach of subsection (1) shall be null and void.

67. Use of capital money

(1) Capital money received by a local authority in respect of a transaction under section 65 shall only be used for a purpose for which capital money may properly be used.

(2) Where capital money is used under this section for a purpose other than that for which the land, subject of the transaction, was held, the authority shall make in its accounts such adjustment as the Minister may direct.
68. Obligation to provide free membership of libraries

Where a local authority provides a library for public use, the residents in the town or district or village shall be entitled to join the library free of charge.

69. Procurement of goods and services

(1) The procurement of goods and services shall be effected in accordance with the provisions of the Public Procurement Act 2006.

(2) Any procurement of goods and services shall be determined by a Procurement Committee composed of –

(a) the Chief Executive as chairperson;
(b) the local government officer responsible of the financial operations of the local authority; and
(c) a senior officer.

70. Registration of contracts

(1) Subject to subsection (2), a contract between any contractor and a local authority or any bond given as security for the performance of the contract shall be exempt from the requirement to be registered within any fixed period.
(2) A contract or bond referred to in subsection (1) shall not be referred to in a public deed or used in a Court of law, unless it is exempted from registration.

(3) Notwithstanding anything to the contrary in any other enactment, any deed witnessing the sale of immovable property to, or the creation of any servitude in favour of a local authority, shall be registered by the Registrar-General free of charge and shall further be transcribed at the Mortgage Office free of duty.

Part VI – LOCAL GOVERNANCE, LOCAL COMMUNITY CONSULTATIONS AND PARTNERSHIPS

71. Local governance statements

(1) A local authority shall act in accordance with the following principles in relation to its governance:

(a) a local authority shall ensure that the role of democratic governance of the community, and the expected conduct of councillors, is clear and understood by councillors and the community;

(b) a local authority shall ensure that the governance structures and processes are effective, open, and transparent;

(c) a local authority shall ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is
separated from responsibility and processes for decision-making for non-regulatory responsibilities;

(d) a local authority shall be a good employer; and

(e) a local authority shall ensure that the relationship between councillors and management of the local authority is effective and understood.

(2) In accordance with such guidelines as may be issued by the Minister, a local authority shall prepare and make publicly available, following a general election of councillors, a local governance statement that includes information on—

(a) the functions, responsibilities, and activities of the local authority;

(b) any local legislation that confers powers on the local authority;

(c) councillors’ roles and conduct (with specific reference to the applicable statutory requirements and code of conduct);

(d) governance structures and processes;

(e) meeting processes;

(f) consultation policies;

(g) policies on partnerships with the private sector;
(h) the management structure and the relationship between management and councillors;

(i) key approved policy documents and the process for their development and review;

(j) systems for public access to it; and

(k) processes for requests for official information.

(3) A local authority shall comply with subsection (2) within 6 months after each general election of councillors of the local authority.

(4) A local authority shall update its governance statement as it considers appropriate.

72. Administrative standards and requirements in relation to decision-making

(1) A council shall ensure that appropriate policies, practices and procedures are implemented and maintained in order—

   (a) to ensure compliance with any statutory requirements; and

   (b) to achieve and maintain standards that reflect good administrative practices.

(2) A local authority shall, in the course of any decision-making process—
(a) seek to identify all reasonably practicable options for the achievement of the objective of a decision;

(b) assess those options by considering—

(i) the benefits and costs of each option in terms of the present and future social, economic, environmental, and cultural wellbeing of its locality;

(ii) the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option;

(iii) the impact of each option on the local authority’s capacity to meet present and future needs in relation to any statutory responsibility of the local authority;

(iv) any other matters that, in the opinion of the local authority, are relevant.

73. Process for identifying community outcomes

(1) A local authority shall, in accordance with such guidelines as may be issued by the Minister, not less than once every 5 years, carry out a process to identify community outcomes for the intermediate and long-term future of its localities.

(2) The purposes of the identification of community outcomes shall be—
(a) to provide opportunities for communities to discuss their desired outcomes in terms of the present and future social, economic, environmental, and cultural wellbeing of the community;

(b) to allow communities to discuss the relative importance and priorities of identified outcomes to the present and future social, economic, environmental, and cultural well being of the community;

(c) to provide scope to measure progress towards the achievement of community outcomes;

(d) to promote the better coordination and application of community resources; and

(e) to inform and guide the setting of priorities in relation to the activities of the local authority and other organisations.

(3) A local authority may decide for itself the process that it is to use to facilitate the identification of community outcomes under subsection (2), but the local authority—

(a) shall, before finally deciding on that process, take steps—

(i) to identify, so far as practicable, other organizations and groups, including associations and other NGOs (non-governmental organizations) capable of influencing either the identification or the promotion of community outcomes; and

(ii) to secure, if practicable, the agreement of those organisations and groups to the process and to the relationship of the process to any existing and related plans; and
(b) shall ensure that the process encourages the public to contribute to the identification of community outcomes.

74. Public consultation policies

(1) For the purposes of this Act, a local authority shall prepare and adopt a public consultation policy.

(2) Consultation that a local authority undertakes in relation to any decision or other matter shall be undertaken in accordance with the following principles:

(a) that persons who will or may be affected by, or have an interest in, the decision or matter shall be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:

(b) that persons who will or may be affected by, or have an interest in, the decision or matter shall be encouraged by the local authority to present their views to the local authority:

(c) that persons who are invited or encouraged to present their views to the local authority shall be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented;
(d) that persons who wish to have their views on the decision or matter considered by the local authority shall be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons;

(e) that the views presented to the local authority shall be received by the local authority with an open mind and shall be given by the local authority, in making a decision, due consideration;

(f) that persons who present views to the local authority shall be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.

(3) The principles shall, subject to subsection (4) be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.

(4) A local authority shall, in exercising its discretion under subsection (3), have regard to —

(a) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority;

(b) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and

(c) the costs and benefits of any consultation process or procedure.
75. Meetings of electors

(1) A local authority may convene a meeting of electors of its locality or a part of the locality.

(2) The Chief Executive shall, by advertisement in a daily newspaper, give notice of the time and place of a meeting of electors, and of the nature of the business to be transacted at the meeting, at least 14 days and not more than 28 days before the date of the meeting.

(3) A meeting of electors under this section shall not proceed unless at least three councillors of the local authority are present at the meeting.

(4) The mayor of the town or the chairperson of the district council or village council, shall preside the meeting.

(5) In the absence of the mayor or chairperson, the deputy mayor or vice-chairperson, as the case may be, shall preside the meeting.

(6) In the absence of the mayor or deputy mayor of the town, or the chairperson or vice-chairperson of the district or village council, a councillor appointed by the local authority shall preside the meeting.

(7) A question to be decided at a meeting of electors shall be decided by a majority of the votes of the persons present and lawfully voting at the meeting.
(8) The Chief Executive shall ensure that minutes are kept of the proceedings at a meeting of electors.

(9) Each councillor of the local authority shall, within five days after a meeting of electors, be supplied with a copy of the minutes of the proceedings.

(10) The councillor presiding the meeting of electors shall transmit a resolution passed at a meeting held under this section to the council.

(11) A meeting of electors may be adjourned from time to time and from place to place.

(12) The procedure to be observed at a meeting of electors shall be in accordance with such guidelines as may be issued by the Minister.

76. Neighbourhood and local community committees

(1) A local authority may, in accordance with such guidelines as may be issued by the Minister, set up in the localities under its jurisdiction neighbourhood and local community committees.

(2) The role of a neighbourhood and local community committee shall be-

(a) to represent, and act as an advocate for, the interests of its community;

(b) to consider and report on all matters referred to it by the local authority, or any matter of interest or concern to the community committee; and
(c) maintain an overview of services provided by the local authority within the community;

77. Policy on partnerships with private sector

(1) A local authority shall, in accordance with such guidelines as may be issued by the Minister and subject to subsection (2), prepare a policy in respect of partnerships between the local authority and the private sector.

(2) The policy shall include—

(a) the circumstances (if any) in which the local authority shall provide funding or other resources to any form of partnership with the private sector;

(b) what consultation the local authority will undertake in respect of any proposal to provide funding or other resources to any form of partnership with the private sector;

(c) what conditions, if any, the local authority shall impose before providing funding or other resources to any form of partnership with the private sector;

(d) an outline of how risks associated with any such provision of funding or other resources are assessed and managed;

(e) an outline of the procedures by which any such provision of funding or other resources will be monitored and reported on to the local authority;
(f) an outline of how the local authority will assess, monitor, and report on the extent to which community outcomes are furthered by any provision of funding or other resources or a partnership with the private sector.

(3) In this section, “partnership with the private sector” means any arrangement or agreement that is entered into between one or more local authorities and one or more persons engaged in business, but does not include a contract for the supply of any goods or services to, by, or on behalf of, a local authority.

78. Associations of Local Authorities

(1) There shall be established such associations of local authorities, with such powers and duties, as the Minister may prescribe.

(2) Any association shall be composed of such number of councillors from each council, as may be prescribed.

(3) The objects of any association shall be to-

(a) co-ordinate the activities of the local authorities;

(b) promote the development of the local authorities;
(c) deal in such other activities relating to local government, as may be approved by the Minister.

(4) The Chief Executive, as well as local government officers designated by him, may attend or take part in any discussion of an association but shall not vote on any question.

(5) The local authorities may delegate to an association, with or without such restrictions or conditions as they think fit, any functions of the local authorities relating to the objects of that association, except the power of levying a rate, raising revenue or of borrowing money.

(6) The Minister, may, where he deems it appropriate, consult the associations for specific matters pertaining to local government.

79. Expenses and accounts of an association of local authorities

(1) The expenses incurred by an association of local authorities shall be defrayed by the local authorities, in such proportions as they may agree upon or, in case of disagreement, in the proportions which the Minister may determine.

(2) The accounts of an association of local authorities shall be made up yearly to the end of the financial year and thereafter submitted within 4 months for audit by the Director of Audit.
(3) The voting disabilities provided in section 32 shall apply, with such modifications as may be necessary, to councillors appointed to an association of local authorities.

Part VII – STRUCTURE AND STAFF OF LOCAL AUTHORITIES

80. Departments of local authorities

(1) For the efficient discharge of its duties, every local authority, other than a village council, may have the following departments-

(a) the Chief Executive's Department;

(b) the Finance Department;

(c) the Land Use and Planning Department;

(d) the Public Infrastructure and Maintenance Department;

(e) the Health and Environment Department;

(f) the Sports and Welfare Department;

(g) the Public Relations and Complaints Department;

(h) the Library and Information and Communication Technology Department; and
(i) such other Department which the Council may, with the approval of the Minister, decide to set up.

(2) Two or more departments may be under the responsibility of the same officer.

81. Staff of local authorities

(1) The Local Government Service Commission shall appoint to the establishment of every local authority, for the efficient discharge of its functions, fit and proper persons to an office of emolument approved by the Unified Local Government Service Board.

(2) No person shall be appointed to a office of emolument in the service of a local authority unless he holds the minimum required qualifications and unless the approval of the Local Government Service Commission, has been obtained.

(3) (a) The salary structure and conditions of service applicable to posts of any authority shall be those approved by the Permanent Secretary and, where applicable, in accordance with the recommendations of the Pay Research Bureau or such other body as may be prescribed.

(b) Except as may be otherwise prescribed, all conditions of service applicable to the public service shall apply to the local government service.
(4) The schemes of service applicable to posts of local authorities shall be those which the Permanent Secretary shall, after consultation with the Chief Executive and with the agreement of the Local Government Service Commission, specify in writing.

(5) (a) Subject to paragraph (b), the Chief Executive shall have overall responsibility for the administration of the local authority whose officers shall be responsible to him.

(b) The Chief Executive shall, subject to the approval of the Permanent Secretary, determine all applications for leave without pay made by local government officers under his responsibility.

(6) Notwithstanding any other provisions of this Act, all persons holding an office of emolument in the service of a Village Council shall be deemed to be employees of the District Council having jurisdiction over that Village Council.

(7) Persons holding an office of emolument in the service of a local authority shall be subject to disciplinary proceedings in matters of discipline in accordance with regulations made by the Local Government Service Commission under the Local Government Service Commission Act.
82. Unified Local Government Service Board

(1) There shall be established a Unified Local Government Service Board, which shall have the power to-

(a) approve the establishment of any office of emolument in the service of a local authority;

(b) transfer a local government officer, otherwise than by way of promotion, from one local authority to another or from one department to another within a local authority.

(2) The Unified Local Government Service Board shall be presided by the Permanent Secretary and shall comprise:

(i) a representative of the Prime Minister’s Office;

(ii) a representative of the Ministry of Finance;

(iii) a representative of the Ministry of Civil Service Affairs and Administrative Reforms;

(iv) a representative of the Ministry of Labour, Industrial Relations and Employment; and

(v) one representative from each association of local authorities as the Minister may have prescribed under section 78(1) of the Act.
83. Human resource management principles

(1) The Chief Executive shall ensure that sound principles of human resource management are applied to employment in the administration of the local authority, and shall take reasonable steps to ensure that those principles are known to all officers.

(2) In particular, the Chief Executive shall ensure—

(a) that officers are given reasonable access to training and development, and are afforded equal opportunities to secure promotion and advancement;

(b) that officers are treated fairly and consistently, and are not subject to arbitrary or capricious decisions;

(c) that officers have access to suitable processes to deal with grievances concerning working conditions or the decisions of supervisors;

(d) that officers are given regular reports on their performance;

(e) that officers are provided with safe and healthy working conditions;

(f) that an equal employment opportunity program relating to employment with the local authority is implemented, and reviewed on a regular basis; and

(g) that there is no unlawful discrimination against officers in the administration of the local authority on the ground of sex, sexuality, marital status, pregnancy, race, caste, opinion, physical or intellectual impairment, age or any other ground and that there is no other form of unjustifiable discrimination exercised against officers.
(3) In this section “equal employment opportunity program”, in relation to a local authority, means a program designed to ensure that all persons have equal opportunities with others in respect of promotion or advancement and in other respects in relation to employment with the local authority.

84. Duty of staff

(1) An officer of a local authority shall, at all times, act honestly in the performance of official duties.

(2) An officer of a local authority shall, at all times, act with reasonable care and diligence in the performance of official duties.

85. Code of conduct for staff

(1) The Permanent Secretary shall prepare, after consultation with local authorities and trade unions representing local government officers, a Code of Conduct to be observed by the officers of a local authority.

(2) An officer of a local authority shall comply with the Code of Conduct.
86. Protection of local government officers

(1) No civil liability shall attach to a local government officer for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of powers, functions or duties under this or other Acts.

(2) A liability that would, but for subsection (1), attach to an employee of a council attaches instead to the council.

(3) Sections 156(3), 159 and 160 of the Criminal Code shall extend to cases of outrage and violence against officers of local authorities appointed under this Part.

87. Loans to staff

(1) A local authority may, subject to the approval of the Permanent Secretary and on the same conditions as those in force in the public service, make a loan to any of its employees for the purchase of a motor vehicle to be used by the employee in the performance of his duties.

(2) No authority shall make a loan to an officer who is indebted to the authority for any previous loan granted to him.
88. Vacancies

Where a vacancy occurs in respect of a local government office, the Chief Executive shall, within one month of the occurrence, report the matter to the Local Government Service Commission and the matter shall be governed by the Local Government Service Commission Act and the regulations made thereunder.

89. Security to be given by officers

(1) A local authority may take or require any of its officers to give, such security as it thinks sufficient for the faithful execution of the duties of his office and for duly accounting for all money or property which may be entrusted to him.

(2) Any officer who fails to furnish the security required of him within 15 days of such request, or fails to renew a security which has been furnished within 15 days of its expiry, shall be deemed to have vacated his office.

(3) No councillor shall, for the purposes of this section, stand as surety for an officer employed by the local authority of which he is a member.

90. Accountability of officers

(1) Every officer employed by a local authority shall, during the continuance of his office or within 3 months after his ceasing to hold same, submit in writing, at such time and in
such manner as the local authority may direct, a true account of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries, and a list of persons from whom or to whom money is due in connection with his office and the amount so due.

(2) Every officer shall, on being so directed by the authority, pay to the local authority or to any person any money due by him, in his capacity as an officer.

(3) Where any officer-

(a) refuses or wilfully neglects to make any payment which he is required to make under this section; or

(b) after 3 days' notice in writing signed by the Chief Executive and served upon him, given or left at his usual or last-known place of residence, refuses or wilfully neglects to make out or deliver to the local authority any account or list which he is required by this section to make out and deliver or any voucher or other documents or record relating thereto or to give to the authority such security respecting it as the Chief Executive directs, the District Magistrate may, on complaint by the local authority, order him to make such payment or delivery or to give such security.
(4) Any officer who fails to comply with an order of the District Magistrate made under subsection (3) shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 5,000 rupees and not more than 25,000 rupees.

(5) Nothing in this section shall affect any other action which the authority may deem appropriate against the officer or his surety.

91. Councillors not to be officers

No person who is, or has during the preceding 12 months been, a councillor shall be appointed to any paid office of a local authority, other than that of Mayor, Deputy Mayor, Chairperson of a district or village council, Vice-Chairperson of a district council, councillor of a municipal or district council.

92. Assistants for political groups

Notwithstanding section 81, and subject to such guidelines as may be issued by the Minister, a local authority may appoint persons to act as Assistants to political groups represented on a municipal or district council.
93. Responsibilities of Permanent Secretary

(1) Subject to subsections (2) and (3), the Permanent Secretary shall, for the purposes of the Local Government Service Commission Act, be the responsible officer of every Chief Executive.

(2) The Permanent Secretary shall, after consultation with the local authority or upon the recommendation of the local authority, report to the Local Government Service Commission any Chief Executive who

(a) has failed to exercise administrative or financial control in accordance with his responsibilities;

(b) has failed to execute the policies, projects or such decisions and directives of the Council provided they are not inconsistent with existing legislation and established procedures; or

(c) has committed an act of gross misconduct, misbehaviour, or insubordination.

(3) Where, following a report made under subsection (2), the Commission is of the opinion that disciplinary action should be taken against the Chief Executive the Permanent Secretary shall, after consulting the Solicitor-General, take disciplinary action in
accordance with the provisions of the Local Government Service Commission regulations.

Part VIII – LOCAL GOVERNMENT FINANCE

94. General Fund

(1) There shall be, in respect of every local authority other than a village council, a General Fund -

(a) into which shall be paid -

(i) all recurrent revenue; and

(ii) such amount of grants in respect of recurrent expenditure as may be appropriated by the National Assembly; and

(b) out of which all recurrent liabilities shall be paid.

(2) Subject to subsection (3), all payments to and out of the general fund shall be made by the Financial Controller.

(3) Payments out of the general fund shall not be made before approval of the Council and the Chief Executive has been obtained, and such approval may cover several payments.
(4) No payments shall be made under subsection (2) unless they relate to items included in estimates approved under section 97.

(5) A local authority may, with the approval of the Minister, establish a pension fund and a passage fund for its employees.

(6) A district council shall allocate, for specific or general purposes, from the general fund such sum of money as the council shall, subject to the Minister’s approval, make to each of the village councils set up within the jurisdiction of that district council.

95. Grants to local authorities

(1) (a) In each financial year there may be paid to a local authority a grant of an amount calculated according to such formula as may be prescribed.

(b) The formula for the payment of grants under this section shall operate for such period and on such conditions as may be prescribed.

(2) The Minister may, subject to the approval of the President, reduce any grant payable to a local authority by such amount as he thinks just where –

(a) he is satisfied upon representation made to him or otherwise that the authority has failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of its functions; or
(b) he is satisfied that the requirements of this Act or any condition imposed under subsection (1) is not being complied with.

96. Local Government Finance Board

(1) There is established for the purposes of this Act a Local Government Finance Board.

(2) The Board shall be composed of such members as may be prescribed.

(3) The Board shall, after consultation with the local authorities and other interested parties –

   (a) advise the Minister on the determination and application of the formula to be used for calculating the amount of the grant to be paid to a local authority; and

   (b) on any other matter under this Part.

(4) Where the Minister is required to perform any function or make any decision relating to financial matters under this Act he may, before doing so, consult the Board.

97. Annual estimates

(1) (a) A village council shall in August every year draw up an estimate of the income and expenditure of the council for the next financial year.
(b) On or before 7 September next ensuing, two certified copies of the estimate, together with a statement of estimated assets and liabilities, shall be sent to the district council in which the village is included for consideration.

(c) The district council shall after consideration forward one of the copies to the Minister with its comments.

(2) The Chief Executive of every municipal or district council shall, not later than 30 September in every year, submit to the council, draft estimates of income and estimates of expenditure of the local authority for the next financial year.

(3) The municipal or district council, as the case may be, shall approve the draft estimates submitted in accordance with subsection (2) subject to such modifications as it thinks fit.

(4) The Chief Executive shall, not later than 15 October in every year, transmit to the Minister an attested copy of the estimates of income and estimates of expenditure approved by the council under subsection (3) for consideration, together with a statement of estimated assets and liabilities in a prescribed form.

(5) The Minister shall, not later than 15 November in every year, submit to the Minister responsible for the subject of finance the estimates of a local authority, together with his own recommendations.

(6) The Minister responsible for the subject of finance shall, on the basis of the recommendations of the Minister under subsection (5) and after consultations with the local authorities, determine the amount of grants to be allocated to the local authorities in respect of expenditure for the next financial year.
(7) In considering the amount of grants to be allocated to the local authorities, the Minister responsible for the subject of finance shall give due consideration to the financial and development needs of the particular local authority and shall, for a fair allocation of the amount of the grants, take into account -

(a) the special needs of the area falling under the jurisdiction of the particular local authority in terms of accelerated development;

(b) the possibility of the local authority concerned to increase its revenue by way of any local rates, fees or charges;

(c) the opportunities for the development of business, industry and commerce within the area of the local authority; and

(d) the state of public finance and of the economy of Mauritius in general.

(8) After the determination of the amount of grants to be allocated to a local authority by the Minister responsible for the subject of Finance, the Minister shall, in the light of such determination, approve the estimates of the local authority in whole or in part.

(9) An attested copy of the estimates approved under subsection (8) shall be deposited in a suitable place in the office of the Council for public inspection.

(10) (a) The expenditure of a municipal or district council during any financial year shall not exceed the amount laid down in the approved estimate for that year.
(11) (a) The expenditure of a village council during any financial year shall not exceed the amount laid down in the estimate approved by the Minister.

(b) Notwithstanding paragraph (a), the council may amend the approved estimate in any year, subject to the approval of the Minister, after reference to the district council for its comments.

98. Release of grants

Grants appropriated by the National Assembly for local authorities in any financial year shall be released periodically.

99. Vote on account

(1) Subject to the other provisions of this section, where –

(a) a municipal or district council has failed to comply with section 97(3); or

(b) the Minister has not approved an estimate drawn up by a municipal council,
the Minister may authorise the council to incur expenditure in respect of the financial year for which no estimate has been drawn up or approved, as the case may be, at a monthly rate which shall not exceed one-twelfth, or such other fraction, as he may determine, of the approved estimates for the immediately preceding financial year.

(2) An authorisation under subsection (1) shall –

(a) be valid for such period as the Minister may determine;

(b) lapse on the approval of the estimates of the authority under section 97(8).

(3) Any expenditure incurred under this section shall be deemed to have been incurred in anticipation of the approval of the Minister of an estimate under section 97(8).

100. Village council fund

(1) All money received by a village council under this Act shall be paid into the village council fund and all liabilities to be discharged by the village council shall be discharged out of that fund.

(2) The village council fund shall be managed by the Chief Executive of the district council, exercising jurisdiction over the village council, under the control of the village council and all money received in the fund shall be deposited in a bank or with the district council concerned.
(3) A village council may establish a reserve fund with money from the village council fund which shall be operated in such manner as may be prescribed.

101. Financial instructions

(1) The financial instructions described in the Financial Management Manual (FMM) and the Programme-Based Budgeting Manual (PBBM) and the instructions described in the Investment Project Process Manual (IPPM) under the Finance and Audit Act shall apply to every local authority, subject to such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Act or any regulations made thereunder.

(2) The Chief Executive or any other local government officer of a local authority shall, in the performance of his duties, comply with the instructions referred to in subsection (1).

(3) Where the Chief Executive or a local government officer of a local authority does not comply with the instructions under subsection (1), the municipal council or the district council, as the case may be, may refer the matter to the Local Government Service Commission for disciplinary action.
102. Purposes for which money may be borrowed

(1) Subject to subsection (2), a local authority, other than a village council, may, with the consent of the Minister, borrow such sums as may be required for —

(a) acquiring any immovable property which it may require;

(b) erecting any building which it has power to erect;

(c) the execution of any permanent work, the provision of any plant or the doing of any other thing which it has power to execute, provide or do.

(2) In no case shall —

(a) the total debt of a local authority exceed twice the amount of its revenue for the immediately preceding financial year; and

(b) loan charges, inclusive of principal and interest, exceed 20 per cent of the total revenue of the local authority for the financial year, without the express written consent of the Minister.
103. Modes of borrowing

(1) Subject to the other provisions of this section, a local authority, other than a village council, may borrow money –

(a) on the security of its revenues or other property, movable or immovable, or of any part thereof by mortgage or otherwise; or

(b) with the consent of the Minister, by way of debentures or bonds issued under this section.

(2) Any money borrowed under subsection (1)(b) shall be effected by means of an issue of debentures or bonds created, issued, transferred, dealt with and redeemed in such manner as may be specified in regulations made by the Council.

(3) Without prejudice to the generality of subsection (2), regulations made under this section may provide –

(a) for the discharge of any loan raised by means of debentures; and

(b) for the payment of interest on money secured by debentures or bonds.

(4) A local authority may borrow by way of temporary loan or overdraft from a bank or any other institution, any sum not exceeding 7 million rupees or such other sum as may, from time to time, be specified in regulations made by the Minister, which it may temporarily require –
for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which these expenses are chargeable and taken into account in the estimates made by the local authority for that period;

(b) for the purpose of defraying, pending the raising of a loan which it has been authorised to raise, expenses intended to be defrayed by means of the loan.

104. Repayment of money borrowed

(1) A local authority shall repay any sum borrowed by way of mortgage by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund.

(2) Unless otherwise directed by the Minister, the payment of the first instalment or the first payment to the sinking fund shall be made –

(a) in the case where the sum is repayable by half-yearly instalments, within 6 months; or

(b) in any other case, within 12 months, from the date the sum was borrowed.

(3) Every sum borrowed shall, subject to subsections (1) and (2), be repaid within such period as the local authority may determine.
105. **Balance of unutilised money**

The balance of any money borrowed by a local authority and not required for the purposes for which the money was borrowed may, with the consent of the Minister and subject to such conditions as he may impose, be applied to any other purpose for the funding of a project.

106. **Register of mortgages**

(1) The Chief Executive shall keep a register at the office of the local authority in respect of mortgages created under this Act.

(2) The Chief Executive shall, within 14 days of the creation of any mortgage, enter into the register -

   (a) the number and date of the mortgage;
   
   (b) the names and descriptions of the parties to it;
   
   (c) the amount borrowed, as stated in the deed; and
   
   (d) such further information as the local authority may require.

(3) On production to the Chief Executive of the deed of mortgage, and –
(a) a duly executed deed of transfer of the mortgage;

(b) on the death of a person solely entitled to it or of the survivor of persons jointly entitled to it, of satisfactory evidence establishing who are the heirs or parties entitled to apprehend the estate and succession of the deceased; or

(c) in the case of a transmission of a mortgage otherwise than as specified in paragraphs (a) and (b), of satisfactory evidence of the transmission,

the Chief Executive shall, on payment of any sum fixed by the local authority, enter in the register –

(i) the date of the transfer or transmission; and

(ii) the name and description of the person becoming entitled to the mortgage.

(4) Any change of name or address on the part of a person entitled to a mortgage shall forthwith be notified to the Chief Executive who, on being satisfied of the change, shall alter the register accordingly.

(5) The register shall, during office hours, be opened to inspection, free of charge, by any registered elector of the local authority or any other interested party.

(6) The Chief Executive or any person having the custody of the register who –

(a) refuses inspection of the register to any person; or
(b) refuses or wilfully neglects to make any entry in the register,

shall commit an offence and shall, on conviction, be liable –

(i) in the case of an offence under paragraph (a), to a fine not exceeding 10,000 rupees; and

(ii) in the case of an offence under paragraph (b), to a fine not exceeding 20,000 rupees.

107. Return to be submitted to Minister

(1) The Chief Executive shall, within one month of being so requested by the Minister, submit to the Minister a return showing the provisions made for the repayment of money borrowed by the local authority.

(2) The return shall be certified by the Chief Executive and the Financial Controller.

108. Powers of Minister in relation to return

(1) Where it appears to the Minister that a local authority –

(a) has failed to appropriate to the discharge of any amount borrowed under this Act, any sum required to be so appropriated;
has failed to pay any instalment or annual payment required to be paid;

(c) has failed to set apart any sum required for a sinking fund; or

(d) has applied any portion of a sinking fund to a purpose other than that authorised,

he may issue a direction to the local authority that any sum not exceeding the amount in respect of which default has been made, be paid or applied, in such manner and by such date as he may specify in the direction.

(2) Any local authority to which a direction has been issued under subsection (1) shall, upon compliance of the direction, forthwith notify the Minister accordingly.

(3) A direction issued under subsection (1) may be enforced, at the instance of the Minister, by an order of mandamus issued by the Supreme Court.

109. Levy of local rate

(1) Subject to the other provisions of this section, an annual local rate may be levied on the owner of any immovable property situate in the rating area of a municipal or district council.
(2) The local rate shall, unless the Council decides otherwise, be leviable in respect of one full year corresponding with the financial year of the Council.

(3) The local rate leviable shall be such percentage of the cadastral value of the immovable property as may be prescribed by the council.

(4) Different percentages may be prescribed under subsection (3) for immovable properties of different cadastral values or depending on whether they are used for residential, business, commercial or industrial purposes.

(5) For the purposes of this section, immovable property or any part thereof, in respect of which the local rate is to be levied, shall be dealt with in such units as the valuer may determine.

(6) No local rate shall be leviable in respect of the immovable properties specified in Part A of the Tenth Schedule.

(7) The Minister may, by regulations, prescribe that no local rate, or that only part thereof, shall, in any financial year, be levied in respect of immovable properties specified in Part B of the Tenth Schedule.
(8) A Council may, subject to the approval of the Minister, remit the whole or part of the local rate payable by any person on account of poverty.

(9) The Minister may require a Council to submit a return showing the names of the persons to whom a remission, either in whole or in part, has been granted under subsection (8), the amount remitted and the reasons for such remission.

(10) A municipal or district council may prescribe that the local rate shall not apply to any dwelling place which, prior to the commencement of this Act, may have been built in such parts of the district which, under the Town and Country Planning Act, are zoned agricultural.

(11) Where, at the commencement of this Act, a general rate is being levied in respect of any property on the basis of its net annual value, such general rate shall continue to be so levied in accordance with the Local Government Act 1989, notwithstanding its repeal, until such time as the cadastral value of the immovable property is determined in accordance with this Act or the LAVIMS (Project Implementation) Act 2008.

110. Fixing of rate

A municipal council or district council may, in respect of every financial year, fix the percentages of the local rate to be levied in respect of immovable properties so as to ensure that the total sum collected is likely to be sufficient to provide for such part of the total estimated expenditure which, in its view, should, during the period in respect of which the
local rate is in force, be met out of money raised by way of local rate and such additional amount required to cover expenditure previously incurred or to meet any contingencies.

111. Cadastral value

The annual local rate payable in respect of an immovable property shall be calculated by reference to the property's cadastral value, as determined from time to time by the valuer under the LAVIMS (Project Implementation) Act 2008.

112. Rate due and payable

(1) The local rate leviable under section 109 shall, in respect of every financial year, be due on 1 January and shall, subject to subsection (2), be payable in 2 equal instalments, the first one on or before 31 January in that year and the second one on or before 31 July next ensuing.

(2) The Financial Controller, may, on a written application being made to him, authorise that the local rate be paid without any surcharge, by bank standing order, in not more than 12 consecutive equal instalments during any financial year.

(3) The local rate shall be due and payable notwithstanding the fact that the ratepayer may not have received a notice for payment thereof under section 121.
113. **Surcharge for late payment of local rate**

(1) Where any local rate is not paid within the periods specified in section 112(1), the owner of the immovable property shall, subject to section 112(2), be liable to pay, in addition to the local rate, a surcharge representing 10 per cent of the local rate remaining unpaid.

(2) Where, for any reason whatsoever, an instalment payable in the manner specified in section 112(2) is not effected within the date it is due, the ratepayer shall be liable to pay, in addition to the sum so due, a surcharge of 10 per cent on the instalment which should have been paid.

(3) The date upon which any surcharge has been added shall be clearly indicated in any notice relating to the payment of the local rate.

114. **Interest**

Where any sum due for rates or surcharge is not paid in the financial year in which it becomes due and payable, it shall carry interest at the rate of 15 per cent per annum or such other rate as may be specified in regulations made by the Minister until such time as it is paid.
115. Inscribed privilege

(1) A municipal or district council shall have, in respect of rates, fees and other charges of any kind remaining unpaid to it under this Act and so long as the unpaid amount is not paid in full or the liability is not discharged, a privilege on all immovable properties belonging to the person by whom the unpaid amount is payable.

(2) Where the Financial Controller of the council thinks it necessary for securing the recovery of any unpaid amount to the council under this Act to inscribe the privilege provided for under subsection (1), he shall deposit with the Conservator of Mortgages 2 identical memoranda in such form as may be prescribed and shall forthwith notify the person by whom the amount is payable, of the deposit of the memoranda.

(3) The Conservator of Mortgages shall, upon deposit of the memoranda, inscribe the privilege generally on all immovable properties belonging, or which may subsequently belong, to the person by whom the amount is payable, and shall return one of the memoranda to the Financial Controller with a statement written or stamped on it to the effect that the privilege has duly been inscribed.

(4) Where a privilege is inscribed under this section, it shall take effect from the date of the inscription.
(5) Where any amount in respect of which an inscription has been taken under this section is paid in full or the liability is discharged, the Financial Controller shall forthwith send to the Conservator of Mortgages a request in such form as may be prescribed to erase the inscription.

(6) The inscription of a privilege under this section shall be erased by the Conservator of Mortgages at the request of the Financial Controller.

(7) Any inscription or erasure of inscription which is required to be taken or made under this section shall be free from stamp duty under the Stamp Duty Act or registration dues leviable under the Registration Duty Act or any other costs.

116. Uninscribed privilege

(1) The rates, fees and other charges levied by a local authority under this Act shall be privileged and the privilege shall rank immediately after the privileges enumerated in Articles 2148 and 2152 of the Code Civil Mauricien and shall operate independently of, and without the necessity for, inscription upon any immovable or movable property belonging to the person owing the rates, fees and other charges, as the case may be.

(2) Nothing in this section shall affect the rights granted to a local authority by the Attachment (Rates and Taxes) Act and the Courts (Civil Procedure) Act.
117. Recovery of local rate

(1) Subject to the other provisions of this section, the Financial Controller shall, within one year of the date on which the local rate becomes due, take action for the recovery of the rate by summary process as provided for in subsection (4).

(2) Where any instalment payable under section 112(2) is not paid within 14 days of the date on which it falls due, the Financial Controller shall take action for the recovery of the instalment overdue together with any surcharge and the remaining instalments.

(3) The Financial Controller shall be held personally responsible for any failure, without reasonable excuse, to start proceedings for recovery of any sum due by summary process within the time provided for in subsection (1).

(4) Subject to subsection (5), all rates, fees and other charges of any kind due to a local authority under this Act, shall be recoverable by summary process in the manner provided for by the Recovery of State Debts Act.

(5) Any act or thing which, under the Recovery of State Debts Act, is to be done or performed by the Accountant-General, shall, for the purposes of subsection (4), be done or performed by the Financial Controller.

(6) No other enactment relating to the limitation of action shall bar or affect any action or remedy for the recovery of any rates, fees and other charges payable under this Act.
118. Cadastral database

(1) Every local authority, other than a village council, shall keep and maintain a cadastral database of all immovable properties situate in the rating area of the local authority and which shall consist of the entries specified in subsection (2), kept and maintained on computer or such other electronic device at the office of the Chief Executive.

(2) The entries referred to in subsection (1) shall include in respect of each immovable property –

(a) the full name and address of the owner;

(b) a brief description of the immovable property including particulars of transcription, extent of land, area of building in square metres and its location including the street name;

(c) an indication as to whether the building is for residential, business, commercial or industrial purposes;

(d) the net annual value and the general rate payable under the repealed Local Government Act 1989;
(e) the cadastral value of the immovable property as determined by the valuer; and

(f) such other particulars as may be required by the Chief Executive.

(3) The owner of any building on an immovable property shall forthwith notify the local authority in writing, on such form as may be specified, of any additions, improvements or alterations made thereto.

(4) On receipt of a notification under subsection (3), the Chief Executive shall cause an appropriate entry to be made immediately in the cadastral database.

(5) Subject to subsection (6), any person may, on payment of such fees, and on such conditions as may be prescribed by the Council, have access to the cadastral database.

(6) Any Ministry, Government Department or local authority shall be exempt from the payment of the fees specified in subsection (5).

(7) Any person who fails to comply with subsection (3) shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees and not more than 50,000 rupees.
119. Declaration of particulars of premises

(1) For the purposes of keeping and maintaining the cadastral database, the Chief Executive may-

   (a) on receipt of a notification under section 118(3);

   (b) from information obtained from the Permits and Business Monitoring Committee;

   (c) from the regular survey of immovable properties carried out by the local authority;

   and

   (d) on the basis of information relating to immovable properties obtained from any other source,

   cause to be served on the owner of any premises in the area, a notice requiring the owner to make a declaration containing such particulars as he may reasonably require.

(2) Every person on whom a notice is served under subsection (1) shall, within 21 days of the service of the notice, make the declaration in such form as is required in the notice and deliver it in the manner so required to the Chief Executive.

(3) Any person who, without reasonable excuse, fails to comply with a notice served under this section or supplies information likely to mislead the Chief Executive shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees and not more than 10,000 rupees.
(4) Where a person is convicted of an offence under subsection (3), he shall, in addition to any fine imposed under that subsection, be ordered by the court to make the declaration within such time as the court may determine.

(5) Any person who, in a declaration made under this section, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees and not more than 50,000 rupees and to imprisonment for a term not exceeding 12 months.

120. Ascertainment of value of immovable property

(1) The Chief Executive shall cause to be retrieved from the digital cadastral database, kept and maintained under section 4 of the LAVIMS (Implementation of Project) Act 2008, the values of the immovable properties as ascertained by the valuer.

(2) Upon receipt of the value of an immovable property under subsection (1), the Chief Executive shall at the earliest opportunity inform the Financial Controller who shall forthwith-

(a) cause the appropriate entries to be made in the cadastral database; and

(b) notify the ratepayer of the amount of local rate payable in the manner specified in section 121.
121. Notice for payment of local rate

(1) Any notice for the payment of local rate shall specify-

(a) the location of the immovable property in respect of which the notice is issued and such description as may be reasonably necessary for the purpose of its identification;

(b) the period in respect of which the rate is payable;

(c) the value of the property;

(d) the percentage at which the rate is charged;

(e) the amount of rate payable; and

(f) any amount claimed by way of surcharge or interest for late payment.
(2) Service of any notice or other documents relating to the ascertainment, levy and payment of the local rate and required to be served on the ratepayer shall be validly effected if-

(a) delivered personally to the person on whom it is to be served;

(b) left at or forwarded by registered post to his usual or last known place of abode and, in the case of a company or société, its registered office;

(c) delivered to some person of age, on the premises to which it relates or, where there is no such person on whom it can be so delivered, posted on some conspicuous part of the premises; or

(d) without prejudice to paragraphs (a) to (c) where the property to which the notice or document relates is a place of business of the person on whom it is to be served, if left at or forwarded by registered post addressed to the person at the said place of business.

(3) The owner of any property shall give to the Council in whose rating area the property lies, notice of any change-

(a) in ownership of the property; or

(b) in his residential or business address.
(4) Any person who fails to notify the Council of a change, as specified in subsection (3), within one month of the date on which it is so effected shall commit an offence and shall, on conviction, be liable to a fine of not less than twice, and not more than thrice the amount of annual local rate payable by him at the time of the offence.

(5) Notwithstanding anything to the contrary in any other enactment, the Magistrate of the district in which the property lies shall have jurisdiction to impose the penalty provided by subsection (4).

(6) Any notice or other document relating to the levy and payment of the local rate and required to be served on the owner of any premises, may be addressed by the description of "The owner" of the premises (naming the premises) without further name or description.

122. Constitution of Local Government Valuation Tribunal

(1) There shall be established for the purposes of this Act a Local Government Valuation Tribunal.

(2) The Tribunal shall consist of –

   (a) a Chairperson who shall be a person with not less than 10 years’ standing at the Bar, holding or having held judicial office, and who shall be appointed for a term of 5 years by the President, after consultation with the Judicial and Legal Service Commission; and
(b) 2 members to be chosen, in such manner as may be prescribed, from a panel of 6 persons appointed by the President.

(3) The President, acting on the recommendation of the Minister, may revoke the appointment of the chairperson or any member.

123. Appeal to Local Government Valuation Tribunal

(1) Subject to subsection (2), any ratepayer who is aggrieved by a notification under section 121 may, within 28 days of the date of the notice, lodge a written notice of appeal to the valuation with the Secretary of the Local Government Valuation Tribunal, stating the grounds of the appeal.

(2) Where a ratepayer has failed to appeal to the Tribunal within the time specified in subsection (1) and the Tribunal is satisfied that his failure was due to illness or other reasonable cause, the Tribunal may, subject to subsection (3) and to such conditions as it thinks fit to impose, hear an appeal lodged outside the prescribed time-limit.

(3) Notwithstanding an appeal under this section, the ratepayer shall pay the amount of local rate specified in the notice under section 121 within the time specified therein, and that amount shall be recoverable under section 117.
124. Proceedings of Tribunal

(1) The Tribunal shall sit at such place and at such time as the Chairperson may decide.

(2) Where the Tribunal adjourns any proceedings, it may resume them at such place and at such time as the Chairperson may determine.

(3) The Tribunal shall, subject to such regulations as may be made by the Minister, regulate its proceedings and shall –

(a) sit in public;

(b) make such orders it considers necessary to secure the attendance of persons and the production of articles or documents;

(c) take evidence on oath and shall, for that purpose, have power to administer oaths.

(4) Any person who –

(a) fails to attend a sitting of the Tribunal after having been required to do so under subsection (3);

(b) refuses to take an oath before the Tribunal; or

(c) after taking the oath, fails to answer fully and sincerely to the best of his knowledge and belief any question lawfully put to him or to produce any article or document when required to do so by the Tribunal,
shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding 12 months.

125. Determination of Tribunal

(1) On the hearing of an appeal, the Tribunal may confirm, amend or cancel the decision of the Council.

(2) Where there is a disagreement among the members of the Tribunal, the decision of the majority of the members shall be deemed to be the determination of the Tribunal.

(3) Subject to section 127, a determination of the Tribunal shall be final and binding on the parties.

126. Agreement between appellant and Council

Where, pending determination of an appeal by the Tribunal, a written agreement is reached between the appellant and the Council regarding the valuation of the immovable property of the appellant, the agreement shall be deemed to be a determination of the Tribunal.
127. Appeal to Supreme Court

(1) Any party who is dissatisfied with a determination of the Tribunal as being erroneous in law may, within 21 days of the determination, by notice in writing, require the Tribunal to state and sign a case for the opinion of the Supreme Court.

(2) An appeal under this section shall thereafter be prosecuted in the manner provided for an appeal by way of case stated.

128. Tenant’s tax

(1) A municipal or district council may make regulations to levy a tenant’s tax on every tenant of immovable property situate within its boundaries and used for commercial, industrial, professional purposes and activities other than private residential purposes.

(2) Tenant’s tax shall be payable by the tenant monthly or at such other times as the council may direct.

(3) “Rent”, for the purposes of the tenant’s tax, means the amount paid or payable, monthly or otherwise, by a tenant or occupier, in respect of the whole or part of the property, whether under a written or verbal lease, or as an indemnity for use and occupation of the property, but does not include any sum paid by the tenant or occupier in respect of the use of furniture or other services provided by the lessor.
129. Returns of rent

(1) Where immovable property situate within the limits of a town or district is let at a monthly rent of such amount as the municipal or district council, as the case may be, may by regulations determine—

(a) the owner of the property shall within 7 days after the property has been let, send to the council a return showing the name of the tenant and the amount of the rent;

(b) the tenant or occupier of the property shall within 7 days after renting or occupying the property, send to the council a return showing the name and address of the owner of the property, the situation of the property and the amount of the rent paid by him;

(c) the owner and the tenant or occupier of the property shall within 7 days after the tenant or occupier has vacated the property, inform the council in writing of the fact;

(d) the owner and the tenant or occupier of the property shall notify the council of any increase or reduction in rent within 7 days after the increase or reduction takes effect.

(2) Any owner, tenant or occupier who makes a false return or otherwise fails to comply with this section, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.
(3) In this section, “owner”, “tenant” or “occupier” includes and applies to any agent of the owner, tenant or occupier when the owner, or tenant occupier is absent from Mauritius.

130. Oral evidence to prove occupation

A municipal or district council shall, in all proceedings in connection with the tenant’s tax, be entitled to the same right with regard to oral evidence as is granted to parties suing under section 166 of the Courts Act.

131. Government exempted from tenant’s tax

The Government shall be exempt from payment of tenant’s tax.
132. Collection of tenant tax

(1) Notice in writing requiring payment within 14 days of the tenant’s tax shall be given to the occupier of the premises in respect of the occupation of which the tax is levied.

(2) The notice shall –
(a) be served upon the person liable or sent to him by registered post;
(b) where the occupier or in his absence from Mauritius, the agent of the occupier, cannot be found, be posted up in a conspicuous place on the property.

(3) The tenant tax shall be due and payable notwithstanding the fact that the person liable may not have received a notice for payment thereof under subsection (2).

133. Permits and Business Monitoring Committee

(1) There shall be established for the purposes of this Part in every local authority, other than a village council, a committee to be known as the Permits and Business Monitoring Committee, which shall consist of the Chief Executive or his representative as Chairperson and 4 heads of the relevant departments of the local authority, or their representatives, designated by the Chief Executive.

(2) The Chief Executive shall also designate an officer of the local authority to act as Secretary to the Committee.
(3) The Committee-

(a) shall meet as often as is necessary and at such time and place as the Chairperson of the Committee may decide;

(b) shall require for its meetings a quorum of four members; and

(c) shall regulate its meetings in such manner as it thinks fit.

134. Application for Building and Land Use Permit

(1) The authority for execution and enforcement of the Building Act and Town and Country Planning Act shall be the municipal council or district council of the respective town or district where the relevant building, structure or tenement is to be found or where the land is to be developed.

(2) Every person who intends to -

(a) commence the construction of a building, or effect extensive alterations, additions or repairs to an existing building; or

(b) carry out development of land,

shall apply to the municipal or district council, as the case may be, for a Building and Land Use Permit.

(3) Every application for a Building and Land Use Permit shall be in accordance with guidelines issued under -
(a) the Building Act;
(b) the Town and Country Planning Act; and
(c) the Planning and Development Act.

(4) Every application made under subsection (2) or under section 6A of the Town and Country Planning Act shall be forwarded to the Permits and Business Monitoring Committee.

(5) On receipt of an application under subsection (4), the Chairperson of the Permits and Business Monitoring Committee shall, on the effective date, issue to the applicant an acknowledgement receipt in respect of the application.

(6) The Permits and Business Monitoring Committee shall process every application for an Outline Planning Permission or a Building and Land Use Permit and shall, in processing the application, have regard to the provisions of the Building Act, the Town and Country Planning Act and the Planning and Development Act and the guidelines issued under those Acts.

(7) Subject to subsection (8), the Permits and Business Monitoring Committee shall, under the authority of the Chief Executive, within 2 weeks of the effective date of receipt of the application –

(a) issue to the applicant an Outline Planning Permission or a Building and Land Use Permit, as the case may be, where it is satisfied-

(i) that the application is in accordance with the Acts and the guidelines referred to in subsection (6); and

(ii) in the case of an application for a Building and Land Use Permit relating to an undertaking, that there is in relation to that undertaking an approved preliminary environmental report or EIA licence; or
(b) notify the applicant in writing that the application has not been approved and give the reasons therefor.

(8) Where the application for a Building and Land Use Permit is made by a small enterprise or handicraft enterprise under the Small Enterprises and Handicraft Development Authority Act, the Permits and Business Monitoring Committee shall, within 3 working days of the effective date of receipt of the application -

(a) issue to the applicant a Building and Land Use Permit where it is satisfied-

(i) that the application is in accordance with the Acts and the guidelines referred to in subsection (6); and

(ii) in the case of an application relating to an undertaking, that there is in relation to that undertaking an approved preliminary environmental report or EIA licence; or

(b) notify the applicant in writing that the application has not been approved and give the reasons therefor.
(9) Every Outline Planning Permission or Building and Land Use Permit shall be issued subject to such conditions as the council may deem appropriate and on payment of such fee as may be prescribed by the council.

(10) Where an applicant has not been issued with a Building and Land Use Permit or has not been notified that his application has not been approved under subsection (7) or (8), as the case may be, within 2 working days of the expiry of the due date, the application shall, upon payment of the fee referred to in subsection (8), be deemed to have been approved by the local authority and the acknowledgement receipt together with the receipt acknowledging payment of the fee shall be deemed to be the Building and Land Use Permit.

(11) Any person aggrieved by a decision of a council under subsection (7)(b) or (8)(b) may, within 21 days of receipt of the notification, appeal to the Town and Country Planning Board, and the appeal shall be dealt with in accordance with section 7(6) to (8) of the Town and Country Planning Act.

135. Disclosure of interest

(1) Where any member of the Committee or his spouse or next of kin has any direct or indirect interest in relation to any matter before the Committee, he shall -

(a) disclose, at or before the meeting convened to discuss that matter, the nature of his interest; and
(b) not take part in any deliberation or any decision-making process in relation to that matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the committee.

(3) Any person who fails to comply with the requirements of subsection (1) shall commit an offence and shall on conviction be liable to a fine not exceeding 10,000 rupees and to a term of imprisonment not exceeding 2 years.

136. Obligations of holder of Building and Land Use Permit

Where a person has been issued with a Building and Land Use Permit, he shall, before starting any classified trade and at all times in the course of carrying on his classified trade, comply with such guidelines as may be issued by the Fire Services, Sanitary Authority and the Ministry responsible for the subject of environment.

137. Clustering of economic activities

(1) Every Building and Land Use Permit which has been granted in respect of an economic activity shall indicate the cluster to which the economic activity belongs, as specified in the Eleventh Schedule.
(2) Where there is a proposed change in economic activity -

(a) within a cluster, no fresh Building and Land Use Permit shall, subject to the Eleventh Schedule, be required; or

(b) from one cluster to another, a fresh Building and Land Use Permit shall be required.

138. Fees leviable by local authority

(1) A local authority, other than a village council, may, by regulations, provide for the payment of-

(a) fees, dues or other charges in respect of classified trades; and

(b) fees on the issue of an Outline Planning Permission or a Building and Land Use Permit.

(2) No person shall carry out any classified trade specified in Part B of the Twelfth Schedule-

(a) unless he has obtained the authorisation of the Permits and Business Monitoring Committee, which shall act under the authority of the Chief Executive; and

(b) on payment of the prescribed fee.

(3) Where a person carries out any classified trade within the administrative area of a local authority, he shall pay to the local authority in respect of the classified trade such fees as may be prescribed by the Council.
(4) Any fee payable under subsection (3) in respect of any financial year shall be due on 1 January of that year and shall be paid by the person -

(a) within 15 days after start of the classified trade; and

(b) not later than 15 January in respect of every subsequent financial year.

(5) A surcharge of 50 per cent shall be leviable on any amount not paid within the period specified in subsection (4).

(6) Any person who fails to pay any fee under this section or any regulations made under this section, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

139. Conditions for conduct of classified trade

(1) The conduct of any classified trade shall be subject to such conditions as may be specified in the guidelines issued by the local authority and the guidelines referred to in sections 134(9) and 136.

(2) Where a person carrying on a classified trade dies, the heirs of the deceased person may continue to carry on the classified trade during the period for which the fee under section 138 has been paid.

(3) Every person carrying on a classified trade shall display in a conspicuous place at each of his business premises the receipt acknowledging payment of the fees under section 138 in respect of the current financial year.
(4) Every hawker of such goods as may be authorised by the local authority shall, at all times, carry his receipt acknowledging payment of the fees under section 138 in respect of the current financial year.

140. Right of entry and control

(1) Where a classified trade is carried on, or is reasonably suspected of being carried on, in any premises within the administrative area of a local authority-

(a) an inspector or any other local government officer authorised by the Chief Executive;

(b) a medical officer or any inspector of the Ministry responsible for the subject of health;

(c) any police officer in uniform;

(d) a veterinary officer of the Ministry responsible for the subject of agriculture; or

(e) any authorised public officer,

may, for the purposes of this Act, enter on and inspect the premises and request from any person in charge, or ostensibly to be in charge, of the premises, the production of the licence or permit.

(2) Any person who-
(a) refuses or neglects to produce a licence or permit on demand of any person authorised under subsection (1) or obstructs, molests, insults or hinders any such person;

(b) uses the premises for the purpose of a classified trade without being granted a licence for it;

(c) fails to comply with any condition of the licence or permit or with any other prescribed condition,

shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees and not more than 10,000 rupees and to imprisonment for a term not exceeding 2 years.

(3) Any officer referred to in subsection (1)(a) shall report to the Chief Executive any contravention relating to a classified trade not later than 5 days after detecting same.

(4) Any officer referred to in subsection (1)(a) who contravenes subsection (3) shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees and not more than 10,000 rupees for each offence.

141. Closing order pending judgment

(1) The Chief Executive, or any officer authorised by him in writing, may make a provisional closing order in respect of any premises where he is satisfied that -

(a) the premises have been used for the purpose of an economic activity in a cluster other than that in respect of which the person has been authorised to conduct the activity;
(b) the person has failed to comply with any of the conditions referred to in section 139; or

(c) the economic activity of a person has been conducted in such a way as to be a danger to public health, public order or public safety.

(2) The closing order shall remain in force until a final judgment has been given by the Court in the proceedings brought on account of the alleged offence, but the Chief Executive may revoke a closing order made by him or under his authority.

(3) A closing order may authorise any of the persons mentioned in section 140(1) to enter the premises to which it refers and remove or seal up any goods found on it and to take such other steps as may be necessary to secure compliance with the order.

(4) In addition to any penalty or fine, the Court may order the closing of any premises-

(a) in respect of which no fees under section 138 have been paid;

(b) where there has been a contravention of the conditions referred to in section 139; or

(c) where the economic activity of the person has been conducted in such a way as to be a danger to public health, public order or public safety.

142. Carrying on trade or economic activity after closing order

Any person who carries on a classified trade or an economic activity in premises which have been closed by order of the Court or of the Chief Executive, shall commit an offence
and shall, on conviction, be liable to a fine of not less than 10,000 rupees and not more than 50,000 rupees together with imprisonment for a term not exceeding 2 years.

143. Cessation or transfer of business

Where a person intends to cease or transfer his business, he shall, within 15 days of the cessation or transfer, give notice in writing thereof to the Chief Executive.

144. Levy of admission charge

(1) Subject to the provisions of this section and section 145, a local authority, other than a village council, may levy an admission charge on all payments made by the public, or any particular section of the public for admission (droit d’entrée) to any park, site, garden, zoo, fair, seaside resort, hotel, exhibition hall, reception hall, theatre, cinema hall, car park, discothèque, night club or such other place as may be prescribed within its administrative boundaries.

(2) The admission charge leviable under subsection (1) shall be an amount representing 10 per cent, or such other percentage as may be prescribed, of the sum paid for admission.

(3) The owner of any place to which members of the public are admitted on payment of any fee, charge or ticket shall pay the admission charge leviable under subsection (1).
(4) The owner of any place specified in subsection (3) shall not admit to such place any person against payment of any fee, charge or ticket, unless he has made arrangements with the local authority for furnishing returns of the payments so made for admission and has furnished to the authority such security as it may request.

(5) Any person who contravenes subsection (4) shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees and not more than 50,000 rupees and shall, in addition, be liable to pay any sum which should have been paid by way of admission charge.

(6) Where the local authority is satisfied that the whole of the net proceeds of an entertainment or show are devoted to philanthropic or charitable purposes, and that the whole of the expenses of the entertainment or show does not exceed 50 percent of the receipts, it may repay to the owner of the place where such entertainment or show is organised the admission charge paid in respect of the entertainment or show.

(7) (a) Where the payment for admission to a place is made by means of a lump sum paid as a subscription or contribution to any club, association, or society, or for a season ticket or for the right of admission to a series of entertainments or shows or to any entertainment or show during a certain period of time, the admission charge shall be paid on the amount of the lump sum.

(b) Where the local authority is satisfied that the payment of a lump sum or any payment for admission to a place represents payment for other privileges, rights or purposes besides admission to the place, the admission charge shall be levied on such amount as appears to the local authority to represent the right of admission in respect of which admission charge is payable.
(8) Admission charge shall be privileged to the same extent and subject to the same conditions as the local rate to which, for all practical purposes, it shall be assimilated.

145. Relief from admission charge

(1) Admission charge shall not be charged on payments for admission to an entertainment or show where it is proved to the satisfaction of the local authority -
   (a) that the entertainment or show is provided by an organisation which is not established or conducted for profit;
   (b) that the whole of the takings of the entertainment or show are devoted to philanthropic or charitable purposes without any charge on the takings for any expenses for the entertainment;
   (c) that the entertainment or show is of a wholly educational character;
   (d) that the entertainment or show is provided by a society, institution, or committee which is not established for profit and whose aims, objects and activities are partly educational;
   (e) that the entertainment is provided by the Trust established under the Sugar Industry Efficiency Act or a company wholly owned by the Trust; or
   (f) that the entertainment or show is provided by or on behalf of a school or other educational institution which is not conducted or established for profit and that the entertainment or show is provided solely for the purpose of promoting some object in connection with the school or institution.

(2) Where the local authority is satisfied that the conditions for relief from admission charge specified in subsection (1) are largely, though not totally, fulfilled, the local body
may levy an admission charge of less than 10 percent on the payment for admission to
the entertainment or show.

(3) A local authority may, with the consent of the Minister, relieve the owner of any place
from the payment of admission charge in respect of any particular event or occasion.

146. Powers to ensure compliance

A local government inspector or any other officer authorised in writing by the Chief
Executive for that purpose, may enter any place where members of the public are
usually admitted on payment of a fee, charge or ticket to ascertain whether the
provisions of sections 144 and 145 of this Act are being complied with.

Part IX – ADMINISTRATIVE AND FINANCIAL ACCOUNTABILITY OF LOCAL AUTHORITIES

147. Strategic management plans

(1) Every local authority shall develop and adopt plan a strategic management plan for its
localities which shall—

(a) identify the authority's objectives for the locality over a period of at least 3
years (the relevant period) and provide a clear indication of—
(i) the extent to which the authority has participated with other local authorities, with Central Government and parastatal organizations, in setting public policy objectives, and the extent to which the authority's objectives are related to local and national objectives;

(ii) the extent to which the authority has given consideration to local and national objectives and strategies which are relevant to the economic, social, physical and environmental development and management of its localities;

(iii) the extent to which the authority intends to co-ordinate with other local authorities, Central Government and parastatal organizations, in the planning and delivery of services in which there is a common interest; and

(b) provide assessments that relate to the following matters (with particular reference to the relevant period):

(i) the sustainability of the authority's financial performance and position;

(ii) the extent or levels of services that will be required to be provided by the local authority to achieve its objectives;

(iii) the extent to which any infrastructure will need to be maintained, replaced or developed by the local authority; and

(iv) anticipated changes in its area with respect to—

(A) real property development;

(B) demographic characteristics of its community to the extent that is reasonable taking into account the availability of appropriate and accurate data; and

(v) the authority's proposals with respect to debt levels;

(vi) any anticipated or predicted changes in any factors that make a significant contribution to the costs of the authority's activities or operations;
(c) identify the principal activities that the authority intends to undertake to achieve its objectives;

(d) state the measures (financial and non-financial) that are to be used to monitor and assess the performance of the authority against its objectives over the relevant period;

(e) identify the means by which its activities are to be carried out and its objectives achieved; and

(g) address issues associated with arranging its affairs so as to separate its regulatory activities from its other activities, so far as this is reasonable to do so.

(2) A local authority may review its strategic management plan under this section at any time and it shall, in any event, undertake a comprehensive review of its strategic management plan within a year after each general election of the council.

(3) A local authority shall adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans.

(4) A local authority shall ensure that copies of its strategic management plans under this section are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the public at the principal office of the council.
148. **Obligation of local authority to report against community outcomes**

In accordance with such guidelines as may be issued by the Minister, a local authority shall monitor and, not less than once every 3 years, report to the Minister on the progress made by the community within its jurisdiction in achieving the community outcomes, identified under section 73, for the local area.

149. **Annual report to be prepared and adopted**

(1) A local authority shall, on or before 31 March in each year, prepare and adopt an annual report on the activities of the authority during the financial year ending on the preceding 31 December.

(2) Any annual report prepared under subsection (1) shall comply with such guidelines as may be issued by the Minister.

(3) A copy of the annual report shall promptly be forwarded to the Minister.

(4) The report shall be posted on the website of the local authority and shall be brought to the attention of the local community.
150. Keeping of accounts

(1) Every local authority shall keep true and regular accounts of –

(a) all money received and paid on its account; and

(b) the purposes for which the money may have been received or paid.

(2) The accounts of an authority shall, at all reasonable times, be open to the inspection of the Director of Audit.

151. Accounts to be made and audited yearly

(1) All accounts of a local authority shall –

(a) be subject to audit by the Director of Audit;

(b) be made up yearly to the end of the financial year; and

(c) be submitted to the Director of Audit within 4 months of the end of the financial year.

(2) The accounts under subsection (1) shall be prepared and submitted on the basis of programmes and subprogrammes, both financial and non-financial.

(3) In discharging his functions under subsection (1), the Director of Audit shall carry out performance audit and report on the extent to which a local authority is applying its resources and carrying out its operations economically, efficiently and effectively.
(4) The local authority shall pay in respect of the audit of its accounts such fees as the Minister may, after consultation with the authority, determine.

(5) Where, through the negligence or misconduct of an officer responsible to keep the accounts which ought to be comprised in the statement of accounts, the local authority is unable to comply with subsection (1), the officer shall be deemed to have committed an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

(6) Notwithstanding any fine that may be imposed under subsection (5), compliance with this section may be enforced, at the instance of the Minister, by mandamus.

152. Deposit of accounts

(1) A copy of every account which is subject to audit by the Director of Audit, duly made up and balanced, together with all rate books, account books, deeds, contracts, accounts, vouchers and receipts relating to such account, shall be deposited in an appropriate office of the local authority and shall, for 7 clear days before it is produced and submitted to the Director of Audit, be open at all reasonable hours to the inspection of all persons interested who may make copies of or extracts from the deposited documents.

(2) Any officer of a local authority, duly appointed in that behalf, who—
   (a) neglects to make up the accounts and books specified in subsection (1);
   (b) unlawfully alters, or allows to be altered, the accounts and books when so made up and deposited; or
   (c) when having the custody of such accounts and books, refuses to allow inspection of them,
shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

(3) Every local authority shall every year before the audit of its accounts by the Director of Audit, by advertisement in 2 or more daily local newspapers, give not less than 14 days’ notice of the deposit of accounts required by this section, and the production of the newspaper containing the notice shall constitute proof of the publication of same.

153. Production of documents

(1) The Director of Audit may, by writing under his hand, request –

(a) the production of all Council minutes, books, deeds, contracts, accounts, vouchers, receipts and other documents which he thinks necessary for the purpose of the audit;

(b) any person holding or accountable for any such document, to appear before him at the audit or any adjournment of same; and

(c) any person referred to in paragraph (b), to make and sign a declaration as to the correctness of the document.
(2) Any person who neglects or refuses to comply with any request made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

154. **Right of objection**

Any elector for the area of a local council may make an objection to the accounts to the Director of Audit, stating the grounds of his objection.

155. **Report on accounts**

(1) The Director of Audit shall report on the accounts audited and examined and shall certify the correctness of the statement of accounts referred to in section 151, subject to any qualification he may include in his report.

(2) The Director of Audit shall report on—

   (a) any item of account which, in his opinion, is contrary to law;
   
   (b) any loss or deficiency which, in his opinion, is wholly or partly due to the negligence or misconduct of any person;
   
   (c) any sum which, in his opinion, ought to have been so brought to account but which, due to wilful default or negligence, has not been brought into account;
(d) any order signed or payment made contrary to section 94; and

(e) any failure to recover any rates, fees or other charges in the manner specified in section 117.

(3) The report under subsection (1) shall state whether the instructions of the Minister, if any, in regard to the statement have been complied with.

(4) The Director of Audit shall address to the Minister and to the local authority a copy of the certified statement of accounts and his report.

(5) The authority shall consider the report of the Director of Audit at its next ordinary meeting or as soon as practicable thereafter.

156. Publication of audited accounts

(1) The Chief Executive shall cause the balance sheet and revenue and expenditure account as finally certified and the report of the Director of Audit in respect of same to be published in the Gazette within 14 days of their receipt by the local authority.

(2) Any Chief Executive who fails to comply with subsection (1), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees
157. Powers of Minister

The Minister shall -

(a) direct a local authority to provide him, within such time as he may specify, such additional information as he may require in respect of any item referred to in section 155;

(b) direct that the whole or part of any amount referred to in section 117 and which has not been claimed in the manner provided by that section be refunded or paid to the local authority by the officer responsible for same.

158. Recovery of sums by local authorities

Any sum payable under section 157 shall be recoverable in the manner provided by section 117, except that where the sum is to be recovered from the Financial Controller, the duties which, pursuant to section 117, are to be performed by the Financial Controller shall be performed by the Chief Executive.
159. Inspection of books, accounts and documents

(1) Any person duly authorised in writing by the Minister, hereinafter referred to as the Inspector, may inspect the books, accounts, vouchers, deeds, contracts, receipts and all other documents of a local authority.

(2) Every local authority shall, within such time as may be fixed by the Inspector, provide him with such information as he may request for the purpose of carrying out his inspection.

(3) For the purpose of obtaining further information in respect of the affairs of any local authority, the Inspector may, by notice given to the Chief Executive require the local authority to allow him to inspect any of the documents specified in subsection (1) within such time as he may indicate.

(4) Any Chief Executive who neglects or refuses to comply with any request of an Inspector made under subsection (3) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

160. Abandonment of revenue

Subject to any regulations made by the Minister, no claim for arrears of revenue shall be abandoned and no loss of revenue shall be written off except with the express written permission of the Minister.
161. Returns to be furnished by local authorities

(1) Subject to any specific provision of this Act relating to the furnishing of returns, a local authority shall furnish to the Minister such returns concerning its revenue and expenditure at such times and with such particulars as the Minister may determine.

(2) Where an authority fails to comply with a request made under subsection (1) within such time as may be fixed by the Minister, the Chief Executive shall, unless he proves that the failure was beyond his control, commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

162. Internal review of council actions

(1) Subject to subsection (1), a council shall establish procedures for the review of decisions taken by the council or a local government officer working for the council or any other person acting on its behalf.

(2) Procedures may provide that the person making a complaint should have a sufficient interest in the manner in which the council carries out its functions under this Act or any other enactment.
163. Review initiated by Minister

(1) Where the Minister considers that one or more of the grounds in subsection (2) exist, he may, by notice in the Gazette, appoint a Review Authority to review, consider, and report on the performance of a local authority, either generally or in respect of any particular matter specified in the notice.

(2) The grounds are that—
   (a) there has been a significant or persistent failure by the local authority to meet its obligations under this Act or any other enactment;
   (b) there has been significant and identifiable mismanagement of the resources of the local authority;
   (c) there is a significant and identifiable deficiency in the management or decision-making processes of the local authority.

(3) The Minister shall send to the local authority a copy of a notice published under subsection (1).

(4) The Minister shall appoint one or more persons, not exceeding three in number, with relevant expertise in the subject-matter of the review as Reviewing Authority.

(5) Persons acting as Reviewing Authority shall be paid such fees as may be determined by the Minister.

(6) The manner in which the Review Authority shall conduct the review and report thereon shall be prescribed.
(7) The Reviewing Authority shall have the same powers as a Commission of Inquiry under the Commission of Inquiry Act.

(8) On receipt of the report from the Reviewing Authority, the Minister may, by written notice given to the local authority—
   (a) require the local authority to implement any of the recommendations in the report relating to the action, omission, or practice; and
   (b) specify the date by which the requirement is to be implemented (being a date not less than 20 working days after the date of the notice).

(9) Before giving the notice referred to in subsection (8), the Minister shall first obtain the views of the local authority both on the practicability of implementing the recommendations and on the time within which they may reasonably be expected to be implemented.

(10) Where a local authority fails to comply with the notice issued under subsection (8), the Minister shall report the matter to the President.

(11) Notwithstanding any other provisions of this Act, on receipt of a report under subsection (10), the President may, in his own deliberate judgment, dissolve the local council and fix a date for elections.
Part X – MISCELLANEOUS

164. Use of information technology

(1) Notwithstanding the other provisions of this Act, the Chief Executive may direct the performance of any act or thing which is required to be done under this Act or any other enactment relating to local authorities or regulations made thereunder, to be made or done by such electronic or other technological means as may be approved by him.

(2) Unless otherwise authorised, the Chief Executive may, with effect from such date as may be specified in regulations made by the council, direct that any matter, act or thing referred to in subsection (1) shall be made or done by electronic or other technological means.

165. Custody of documents

Subject to any general directions which the Minister may give as to documents of any local authority, the documents of every local authority shall be in the custody of the Chief Executive or such other officer as the authority may decide.
166. Deposit of documents

(1) Where, under the provisions of any enactment, any document is deposited with the Chief Executive or any other officer of a local authority, the Chief Executive or the other officer shall receive and retain the document in the manner and for the purposes directed by the enactment and shall make such memorials and endorsements on and give such acknowledgments and receipts of the document as may be directed.

(2) Subject to anything to the contrary in any other enactment, a person interested in any document deposited as specified in subsection (1) may, at all reasonable hours, inspect and make copies or extracts from the document on payment to the person having its custody of the sum of 100 rupees for every inspection and of a further sum of 100 rupees for every hour or part thereof during which the inspection continues after the first hour.

(3) Any person having the custody of any document specified in subsection (1) who obstructs any person who wishes to inspect the document or to make a copy of or extract from it shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

(4) This section shall not apply to plans for development or building permits which shall be treated as confidential.

167. Production of documents at trial

The provisions of sections 170 and 171 of the Courts Act shall apply to any document in the official custody of a local authority, in the same way as they apply to any document in the official custody of a Government department.
168. Inspection of accounts, books and documents

(1) The minutes of proceedings in council of a local authority shall, on payment of a fee of 100 rupees, be open to the inspection of any person and any elector who may make a copy of them or take an extract from them.

(2) The abstract of the accounts of an authority and any report made by the Director of Audit on those accounts, shall be open to the inspection of any person and any such elector who may make a copy of or take an extract from them.

(3) A document directed by this section to be open to inspection shall be so open at all reasonable hours and, except, where otherwise expressly provided, without payment.

(4) The Permanent Secretary shall have free access to all the documents of an authority.

(5) Any person having the custody of any book or document specified in this section who_

   (a) obstructs any person entitled to inspect the document or to make a copy or extract thereof; or

   (b) refuses or fails to give copies or extracts to any person entitled to obtain copies or extracts,
shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees.

169. Service of documents

(1) Any document required or authorised by this Act or any other enactment to be sent, delivered, served to or upon a local authority, or the Chief Executive or Mayor of a municipal council or Chairperson of a district or village council shall be addressed to, left at or sent by registered post to the local authority, the Chief Executive or Mayor of the municipal council or Chairperson of the district or village council, as the case may be.

(2) Notwithstanding any other enactment to the contrary, all documents which are required to be served on or by a local authority may be served by registered post with avis de reception.

(3) Where, in any legal proceedings, service of any document on a local authority is required, it shall be sufficient to serve the notice or document on the Chief Executive of the authority.
170. Execution of documents

(1) Subject to subsection (2), all documents shall be deemed to be duly executed by or on behalf of a local authority if signed by-

(a) the Mayor of the town or the Chairperson of the district or village council, or by any other person nominated for that purpose by the local authority; and

(b) the Chief Executive.

(2) A cheque upon a banking account kept by a local authority shall be signed by-

(a) the Chief Executive or his deputy; and

(b) the Financial Controller or his deputy.

171. Donations to local authorities

(1) Subject to the other provisions of this section, a local authority may accept, hold and administer any donation in kind, gift or property, whether movable or immovable, for any local public purpose, or for the benefit of the inhabitants of the area or of some part of it, and may execute any works, including works of maintenance or improvement, incidental to or consequential to the exercise of the powers conferred by this section.
(2) A local authority shall not accept without the consent of the Minister any donation in kind, gift or property of a value of more than 25,000 rupees or such other sum as may be prescribed.

(3) Where the purposes of the donation or gift are purposes for which the local authority is empowered to expend money raised from a rate, the local authority may, subject to any condition or restriction attaching to the exercise of that power, defray expenditure incurred in the exercise of the powers conferred by subsection (1) out of the general fund.

(4) Article 910 of the Code Civil Mauricien shall not apply to donations or gifts made and accepted under this section and such donations or gifts, whether or not by legacy, shall be registered free of charge.

172. Names of public places

(1) Unless otherwise provided by any enactment, the names of all roads, streets, squares and other public places within the limits of a local authority area shall be as specified in regulations made by the municipal council.

(2) Any road, street, square and other public place within the limits of a local authority area, which has, at the commencement of this Act, already been given any name, shall, subject to the other provisions of this section, continue to bear such name.
(3) Notwithstanding subsections (1) and (2), the Minister may, by order, declare null and void the naming by a local authority of any road, street, square and other public place within the limit of the administrative area of that authority.

173. Local authorities and legal proceedings

(1) Except where otherwise provided by any enactment, a local authority may authorise any officer, either generally or in respect of any particular matter, to institute or defend on its behalf proceedings before the Intermediate Court or any District Court.

(2) Any officer of a local authority authorised by the Chief Executive may prosecute any breach of the Building Act or regulations made under section 193 of the Public Health Act, where the breach is committed within the administrative area of the local authority.

(3) Where the defendant in any action under this section is a councillor, officer, agent or servant of the local authority, that authority may, without prejudice to any other power, decide to pay out of the funds of the authority the whole or any part of any sums payable by the defendant in consequence of the action whether in respect of costs, charges, expenses, damages or otherwise.

174. Offences

(1) Any person who commits an offence under this Act or any regulations made under it or who contravenes this Act or any regulations made under it shall commit an offence and
shall, on conviction, where no specific penalty is provided, be liable to a fine of not more than 25,000 rupees.

(2) Any officer or councillor who neglects or refuses to comply with any provision of this Act shall commit an offence and shall, on conviction, be liable, where no specific penalty is provided, to a fine not exceeding 50,000 rupees.

175. Prosecution of offences and recovery of fines

Any offence relating to a breach of this Act or any regulations made under this Act may be prosecuted by an inspector of the authority affected by the breach, and all fines imposed by the court shall accrue to the relevant local authority.

176. Regulations by Minister

(1) The Minister may –

(a) make such regulations as he thinks fit for the purposes of this Act.

(b) by regulations, amend the Schedules.
(2) Regulations made under subsection (1) may –

(a) provide for the administration and operation of the General Fund;

(b) vary the dates or periods fixed in this Act for the doing of any act;

(c) provide for Standing Orders for the municipal and district councils.

177. Regulations by local authorities

(1) Every local authority may make regulations for the efficient discharge of its functions under this Act and generally for the good rule and good government of the whole or any part of the locality within its jurisdiction and for the prevention and suppression of nuisance therein.

(2) A municipal or district council may make regulations for securing the payment of admission charge.

(3) Regulations made by a local authority under this Act may provide –

(a) that any person who contravenes them shall commit an offence and, shall, on conviction, be liable to a fine not exceeding 10,000 rupees and, shall in the case of a continuing offence, be liable to a fine not exceeding 500 rupees for each day during which the offence continues after conviction;

(b) for the seizure, confiscation or forfeiture of any article which is the subject-matter of an offence;
(c) that, in addition to the penalty provided for the offence, any expenses incurred by the council in consequence of a breach of the regulations, or in the execution of any work to be done in pursuance of such regulations by any person-

(i) shall be paid by the person committing such breach or failing to execute such work; and

(ii) the amount of such expenses shall be recoverable as a debt due from that person to the Council, in the manner provided by section 117.

(4) Regulations made by a local authority under this Act shall not require the approval of the Minister.

178. Transitional provisions

(1) All planning areas and outline schemes declared and published under the Town and Country Planning Act for the areas which, prior to the commencement of this Act, were within the areas administered by the various district councils, shall continue to be in force and every district council established by this Act shall for the purposes of the Town and Country Planning Act be the authority for any area within its jurisdiction.

(2) All existing regulations made by any district councils for any purpose whatsoever and which are in force at the commencement of this Act shall continue to be in force, and their respective provisions shall be administered by the appropriate new district council established under this Act.

(3) All assets which, prior to the commencement of this Act, belong to any district council, shall be vested in one of the new district council established under this Act to replace
the appropriate parent District Council, as per the terms of an order or orders made by the Minister.

(4) Subject to subsection (7), all existing liabilities of district councils which, at the commencement of this Act, remain pending or subsisting shall be transferred to the appropriate new district council established under this Act.

(5) Subject to subsection (7), any contract entered into by a district council shall have effect, at the commencement of this Act, as if it had been entered on the same terms and conditions by the appropriate new district council established under this Act.

(6) Subject to subsection (7), where any particular contract relates to both new district councils established to replace the parent district council, the Chief Executives of the said local authorities shall agree on the part of the contract which should be deemed assigned to each of the new local authorities.

(7) In case of disagreement between the Chief Executives of the new local authorities as to the particular local authority which should assume any particular liability or responsibility of the parent district council, the matter shall be referred to the Minister whose decision shall be final.

(8) All pending proceedings by or against a district council shall continue in the name of the said district council and any civil judgment against the district council shall be satisfied by the new local authority ordered to do so by the Minister.
179. Consequential amendments

(1) The Advertisements Regulation Act is amended -

(a) in section 2 -

(i) by repealing the definition of “Authority” and replacing it by the following definition-

“Authority” means a municipal council or district council;

(ii) by repealing the definition of “municipal council”;

(b) in section 6 by deleting the word “municipal” and replacing it with the word “local government”.

(2) The Building Act is amended-

(a) in section 2(1)-

(i) by repealing the definition of “Authority” and replacing it with the following definition-

“Authority” means the local authority referred to in section 134 of the Local Government Act 2009;

(ii) by repealing the definition of “Building and Land Use Permit” and replacing it with the following definition-
“Building and Land Use Permit” or ‘permit” means a Building and Land Use Permit issued under section 134 of the Local Government Act 2009;

(b) in section 2(2) by deleting the words “section 98 of the Local Government Act 2003” and replacing them with the words “under section 134 of the Local Government Act 2009”;

(c) in section 4 by deleting the words ‘municipal council’ wherever they appear and replacing them with the words “local authority”;

(d) in section 7(1) by deleting the words “section 98 of the Local Government Act 2003” and replacing them with the words “section 134 of the Local Government Act 2009”;

(e) in section 31 by adding the following new subsection –

(3) Any reference to mayor in sections 22 to 30 shall, in respect of tenements and structures found outline Port Louis, be interpreted as a reference to the Mayor or the Chairperson of the district council of the area where the tenement or structure is to be found;

(f) in section 32 by adding after the word “Municipal” the words “or District Council”.

(3) The Declaration of Assets Act is amended-
(a) in section 2, by inserting the following new definitions in their appropriate alphabetical places -

"local authority" has the same meaning as in the Local Government Act 2003;

"Rodrigues Regional Assembly" means the Rodrigues Regional Assembly established under the Rodrigues Regional Assembly Act 200;

(b) in section 3 -

(i) by repealing subsection (1) and replacing it by the following new subsection -

(1) Every member of the National Assembly, the Rodrigues Regional Assembly and any councillor of a local authority shall, not later than 30 days-

(a) after the first sitting of the National Assembly, the Rodrigues Regional Assembly, or any Municipal or District Council or after being elected to the National Assembly,
the Rodrigues Regional Assembly or a Municipal or District Council following a by-election, as the case may be;

(b) after the seat becomes vacant in accordance with section 35 of the Constitution, section 19 of the Rodrigues Regional Assembly Act 2001 or section 48 of the Local Government Act, 2009, deposit with the Commission, the Clerk of the Rodrigues Regional Assembly or the Chief Executive of a Municipal or District Council, as the case may be, a declaration of assets and liabilities in relation to himself, his spouse and minor children and grand-children and, subject to subsection (3), his children of age;

(ii) by deleting in subsection (6) the word "Commissioner" and replacing it by the words "member of the Rodrigues Regional Assembly";

(iii) by repealing subsection (7) and replacing it by the following new subsection -

(7) The Clerk of the Rodrigues Regional Assembly and the Chief Executive of a Municipal or District Council shall transmit to the Commission any declaration made by a member of the Rodrigues
Regional Assembly or a Municipal or District Council, as the case may be.

(iv) by adding the following subsection (8) -

(8) The present members of the Rodrigues Regional Assembly, other than Commissioners, shall make the declaration provided in subsection (1) within 30 days of the coming into force of the Local Government Act, 2009.

(c) by repealing section 5;

(d) in section 7, in paragraph (b), by inserting immediately after the words, "public officers" the words ", of officers of any local authority".

(4) The Local Authorities (Pensions) Act is amended-

(a) in section 2 by deleting the definition of "local authority" and replacing it by the following definition -
"local authority" has the same meaning as in the Local Government Act 2009;

(b) by repealing the Schedule.

(5) The Local Government Service Commission Act is amended-

(a) in section 2 by deleting the definition of “appointment” and replacing it with the following definition-

“appointment” means –

(a) the designation of a person not in the service of a local authority to an office of emolument in the service of a local authority, including a designation in a temporary or an acting capacity or subject to subsequent confirmation;

(b) the grant of permanent and pensionable terms of service in a pensionable office in the service of a local authority to a person recruited and serving on contract terms or in an unestablished capacity;

(c) the engagement or re-engagement of a person on contract terms in the service of a local authority;

(d) the promotion of a local government officer from one office of emolument to another within the service of the same local authority or from one local authority to another;

(b) in section 4(4) by adding after the word “municipal”, the words “or district”.

(6) The Planning and Development Act is amended in section 2 by deleting the definition of “local authority” and replacing it with-
“local authority” means a municipal or district council;

(7) The Representation of the People Act is amended-

(a) in section 2 -

(i) in the definition of “council”, by adding after the words “a municipal council”, the words “or a district council”;

(ii) in the definition of “local government election”, by adding after the words “a municipal council”, the words “or a district council”;

(iii) by inserting the following new definitions in their appropriate alphabetical place –

“district” has the same meaning as in the Local Government Act 2009;

“district council” has the same meaning as in the Local Government Act 2009;

“municipal and district council election” has the same meaning as in the Local government Act 2009;
(iv) in the definition of ward by deleting the words “section 7 of the Local Government Act” and replacing them by the words “section 10 of the Local Government Act 2009”;

(b) in section 4A(1) by deleting the words “and sections 27 and 28 of the Local Government Act”;

(c) in section 8(2) –

(i) in paragraph (a), by deleting the words “(a)”; and

(ii) by repealing paragraph (b).

(d) in section 81, by adding after the word “town” the words “or district”, wherever they appear;

(e) in the Schedule-

(i) in Form A, by adding after the word “town” the word “/district”;

(ii) in Form D by deleting the words “Ward of the Town/Village” wherever they appear and replacing them by the words “Ward of the Town or District and Village [if any]”.

(8) The Roads Act is amended -
(a) in section 2, by repealing the definition of “local authority” and replacing it by the following -

“local authority” has the same meaning as in section 2 of the Local Government Act 2009;

(b) in section 70 (1), by adding after the words “police officer” the words “or an Inspector of a local authority”;

(c) in section 73, by deleting the words “not exceeding 10,000 rupees” and replacing them by the words “of not less than 5,000 rupees and not more than 25,000 rupees”.

(9) The Town and Country Planning Act is amended-

(a) in section 2(3) by deleting the words ‘Local Government Act 2003” and replacing by the words “Local Government Act 2009”;

(b) in section 7 by deleting the words “section 98 of the Local Government Act 2003”, and replacing them with the words “section 134 of the Local Government Act 2009” wherever they appear;

(c) in section 8(1) by deleting the words “section 98 of the Local Government Act 2003” and replacing them with the words “section 134 of the Local Government Act 2009”;

(d) in section 28-
(i) by deleting the words "not exceeding 1,000 rupees" and replacing them by the words "of not less than 2,000 rupees and not more than 50,000 rupees"; and

(ii) by deleting the words "not exceeding 50 rupees" and replacing them by the words "of not less than 100 rupees and not more than 1,000 rupees".

180. Repeal and savings

(1) The following enactments are repealed -

(a) the Local Government Act;

(b) the Local Government Act 2003;

(c) the Local Government (Temporary Provisions) Act; and

(d) the Rural Buildings Tax Act.

(2) Notwithstanding the repeal of the Local Government Act and the Local Government Act 2003, all current licences and permits issued under the said Acts by any local authority or the Rodrigues Regional Assembly shall continue to be valid and effective for the period for which they were issued.

181. Commencement
(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different Parts or sections of the Act.

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FIRST SCHEDULE

(section 7(3))

BOUNDARIES OF THE MUNICIPAL COUNCIL OF PORT LOUIS

North

Starting from the mouth of Rivulet Terre Rouge, the boundary runs in an easterly direction along the Rivulet Terre Rouge up to a well which is situated on the site of the former aqueduct of the Bathurst canal over Terre Rouge River, thence in a straight line up to the Tertiary Trigonometrical Station (TTP 0106) on top of Long Mountain.

East

From the last mentioned point the boundary runs South along the ridge of Long Mountain up to the top of Pieter Both Mountain.

South
From the last mentioned point, the boundary runs in a general westerly direction along the ridge of Mountains Pieter Both, Le Pouce, Guiby Peak and Berthelot Peak to Montagne Ory Trigonometrical Station (STP 12); thence West South West in a straight line to the junction of Old Moka Road and Bell Village Phoenix Trunk Road (M2).

From the last mentioned point the boundary runs generally North along Bell Village Phoenix Trunk Road (M2) to its junction with a road leading to Max Works Limited, thence along the said road on a developed length of 110 metres to its junction with an Estate Road; thence west along the said Estate Road and its prolongation to its junction with Grand River North West, thence North along Grand River North West to its junction with the prolongation of the concrete wall to its junction with the Port Louis - St Jean Road (A1); thence south along Port Louis - St. Jean Road (A1) to its junction with the trace of the Midland Old Railway Line, thence generally South West along that Old Railway Track to its junction with the prolongation of the Northern Boundary of Richelieu Livestock Feed Factory (formerly Richelieu Maize Mill); thence North along the Midland Railway Line to its junction with an Estate Road, thence West along that estate Road for 252 metres to its junction with Richelieu Branch Road (also called Balisage Road), thence North along the Richelieu Branch Road to its junction with Riviere Noire Road (A3) then North East along an Estate Road to its junction with Avenue de La Concorde; thence North along the said Avenue to its junction with Peupliers Avenue; thence in a general Westly direction along Peupliers Avenue up to its junction with Pointe aux Sables Road (B31), thence South along that Road on 720 metres to its junction with a straight line; thence West along that straight line passing through Pointe aux Caves lighthouse up to the sea.

**West**

From the last mentioned point the boundary runs generally North East along the seashore up to the starting point.

**BOUNDARIES OF THE MUNICIPAL COUNCIL OF CUREPIPE**

**North**
Starting at the junction of Sadally Moraby Road with Jean Maurice Prudent Street, the boundary runs north east and south east along Sadally Moraby Road to its junction with Swami Sivananda Avenue, then across that latter avenue north-easterly along Allée Brillant Branch road (B 74) to its junction with the southern boundary of Constituency No. 15, thence along that boundary up to Couacaud Bridge.

East

From the last mentioned point, the boundary runs south easterly in a straight line to Butte Chaumont, then southerly in a straight line to Mt. Ebene; then south east along an imaginary line to Mt. D’Hauvillard (TPF94) and thence south east along part of the district boundary between Moka and Plaines Wilhems up to Mt. Lagrave on the southern boundary of Constituency No. 17.

South and West

From the last mentioned point, the boundary runs South West along part of the southern boundary of Constituency No. 17 to its junction with the eastern boundary of Constituency No. 16; then along the southern boundary of Constituency No. 16 and along part of western boundary of the Constituency No. 16 to its junction with the southern boundary of the Town of Vacoas-Phoenix; then east along that latter boundary to its junction with Ligne Berthaud on the eastern boundary of Constituency No. 16; then generally northerly and westerly along the eastern boundary of Constituency No. 16 to its junction with River St. Martin; then downstream along that river to its junction with an estate road running generally easterly; then easterly along that road to its junction with the road leading to former Reunion Estate; then easterly along that latter road to its junction with Chemin Berthaud; then again easterly and generally northerly along the said road for 325 metres to its junction with the prolongation of Dr. Ernest Harel Street; thence easterly along that prolongation to its junction with Jean Maurice Prudent Street; thence northerly along that latter street to the starting point.
BOUNDARIES OF THE
MUNICIPAL COUNCIL OF BEAU BASSIN-ROSE HILL

North

Starting from the junction of the former Midland Railway Line with the prolongation southwards of Bissessur Lane, the boundary runs North East along part of the western boundary of Constituency No. 1 up to its junction with Grand River North West.

East

From the last mentioned junction the boundary runs South along Grand River North West and Plaines Wilhems River up to the junction of Plaines Wilhems River with Boundary Road (B75).

South

From the last mentioned junction the boundary runs South West along Boundary Road (B75) to its junction with Ligne Berthaud Avenue (B73); thence again South West in a straight line to the district boundary post on Corps de Garde Mountain.

West

From the last mentioned point, the boundary runs North along the District Boundary between Plaines Wilhems and Black River to the starting point.
BOUNDARIES OF THE
MUNICIPAL COUNCIL OF QUATRE BORNES

North

Starting from a point on River Terre Rouge approximately 580 metres North West of the Temple at Bagatelle, the boundary runs westerly along the southern boundary of Constituency No. 8 up to Robertson Bridge.

West

From the last mentioned point the boundary runs southerly along part of the western boundary of Constituency No. 18 to its junction with Boundary Road (B75); thence along Boundary Road (B75) to its junction with Ligne Berthaud Avenue (B73); thence again along the western boundary of Constituency No. 18 up to its junction with a stream; thence West along that stream to its junction with the eastern boundary of Pierrefonds Estate; thence South West along the eastern boundary of Pierrefonds Estate for approximately 1,742 metres to its junction with Palma Road (B2); thence South West along an estate road for 175 metres to its junction with a second estate road; thence West along the second estate road for 175 metres to its junction with a third estate road; thence South along the third estate road for 245 metres to its junction with a fourth estate road; thence South along the fourth estate road for 460 metres to its junction with Palma Road (B2); thence East along Palma Road (B2) to its junction with the estate road leading to Bassin Estate; thence South along that estate road and its prolongation to River Papayes.

South

From the last mentioned junction, the boundary runs upstream along River Papayes to its junction with the western boundary of Constituency No. 15; thence North East along the western boundary of Constituency No. 15 to its junction with the prolongation westwards of an
estate road which is parallel to and at a distance of 206 metres southwards of a common road forming the southern boundary of Princess Margaret Orthopaedic Centre; thence East along the prolongation of the said estate road and along that estate road to its junction with another estate road at approximately 220 metres West of Candos-Vacoas Road (B3); thence North along that estate road for 206 metres to its junction with the northern boundary of Constituency No. 15; thence North East along the northern boundary of Constituency No. 15 to its junction with Bell Village – Phoenix Trunk Road (M2).

**East**

From the last mentioned junction the boundary runs north easterly along part of the northern boundary of Constituency No. 15 to the starting point.

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**BOUNDARIES OF THE**

**MUNICIPAL COUNCIL OF VACOAS-PHOENIX**

**North**

Starting on the common road forming the southern limit of Princess Margaret Orthopaedic Centre at a point 221 metres West of the Candos – Vacoas Road (B3), the boundary runs East along the northern boundary of Constituency No. 15 to meet the eastern boundary of that constituency.

**East**

By the eastern boundary of Constituency No. 15.
South

By part of the southern boundary of Constituency No. 15 up to Allée Brillant Road (B74); thence the boundary runs South West along Allée Brillant Road (B74) to its junction with Swami Sivananda Avenue; thence across the said avenue and North West and West along part of Sadally Moraby Avenue to its junction with Jean Maurice Prudent Street; thence along the western boundary of the town of Curepipe to the junction of River St. Martin with the eastern boundary of Constituency No. 16; thence along the eastern boundary of Constituency No. 16 up to the junction of Ligne Berthaud with the prolongation eastwards of an estate road forming the limits of Ragavoodoo Estates; thence West along the prolongation of the said estate road and along that estate road to its junction with Les Mares Road; thence generally West along an imaginary line drawn from the last mentioned junction to the bridge over Rivulet Cap St. Martin, on the Henrietta Branch Road, produced westwards to the western boundary of Constituency No. 16.

West

From the last mentioned junction, the boundary runs North along the western boundaries of Constituencies Nos. 16 and 15 up to the junction of the western boundary of Constituency No. 15 with Rivière Papayes; thence North East along the southern boundary of the town of Quatre Bornes to the starting point.
SECOND SCHEDULE

*(section 8(3))*

BOUNDARIES OF THE
DISTRICT COUNCIL OF PAMPLEMOUSSES

*East*

Starting from the sea shore at the western boundary of Cap Malheureux public beach, the boundary runs South along the boundary of the said public beach to its junction with the Mon Choisy – Cap Malheureux Road (B 13); thence East along that road for 18 metres to its junction with another road; thence South and East along that road over a developed length of 820 metres to its junction with another road; thence generally South along that road for 455 metres to its junction with a secondary road which abuts on Vingt Pieds Road (B 45) at a point 790 metres South West of the junction of the last mentioned road with Mare Sèche Branch Road; thence along the said secondary road to its junction with Vingt Pieds Road (B 45); thence South West along Vingt Pieds Road (B 45) to its junction with Plaine des Papayes Road (B11); thence South East along Plaine des Papayes Road for 700 metres to its junction with an estate road; thence South West along that estate road to its junction with Sottise Road; thence North West along Sottise Road for 370 metres to its junction with an estate road; thence South West along that estate road for 190 metres to its junction with a second estate road; thence North West along that estate road for 60 metres to its junction with a third estate road; thence South West along that estate road and its prolongation to its junction with Pamplemousses – Grand Baie Road (A 13) at a point 871 metres South East of the junction of the last mentioned road with Grand Baie Road (A 4); thence generally South East and South West along the Pamplemousses – Grand Baie Road (A 13) to its junction with an estate road at a point 300 metres North East of the Pamplemousses Botanical Garden roundabout and running adjacent to the M.S.I.R.I. Experimental Station; thence South East along the last mentioned estate road for 430 metres to its junction with a second estate road; thence North East along that estate road for 271 metres to its junction with a third estate road; thence South East along that estate road for 379 metres to its junction with a fourth estate road; thence North East along that estate road for 50 metres to its junction with a fifth estate road; thence South East along that estate road for 903 metres to its junction with a sixth estate road; thence South West along
that estate road for 50 metres to its junction with a seventh estate road; thence South East along that estate road for 128 metres to its junction with an eighth estate road; thence North East along that estate road for 843 metres to its junction with a ninth estate road; thence South East along that estate road for 390 metres to its junction with a tenth estate road; thence North East along that estate road for 20 metres to its junction with an eleventh estate road; thence South East along that estate road for 238 metres to its junction with a twelfth estate road; thence South West along that estate road for 66 metres to its junction with a thirteenth estate road; thence South East along that estate road for 544 metres to its junction with Mon Piton-Rivière du Rempart Road (A 6) at a point 135 metres North East of the Bramsthan Kalimaye. From the last mentioned junction the boundary runs South East along a straight line up to the junction of La Nicolière Distributary Channel with Antoinette Road; thence generally East along Antoinette Road to its junction with an estate road situated at 585 metres South East of Antoinette temple; thence South East along that estate road and its prolongation to its junction with Grande Rosalie – Mon Loisir Road (B 21) at a point 23 metres South West of the bridge over River Chevrettes; thence North East along Grande Rosalie – Mon Loisir Road (B 21) up to the said bridge. From then on the boundary runs downstream along River Chevrettes to its confluence with River du Rempart.

South

From the last mentioned point the boundary runs South West along River du Rempart to its junction with Le Juge de Segrais Bridge over La Nicolière Spillway; thence generally South along the sinuosities of Ripaille – Nicolière Road (B 49) up to a point approximately 700 metres North East of the junction of the last mentioned road with Nouvelle Decouverte Road; thence generally West and South West along the ridge line of the Nicolière, Callebasses and Deux Mamelle Mountains up to the top of Pieter Both mountain. From the last mentioned point the boundary runs in a general North Westerly direction along the ridge of Long Mountain up to the Tertiary Trigonometrical Station (TTP 0106) on top of Long Mountain; thence West in a straight line to a well which is situated on the site of the former aqueduct of the Bathurst Canal over Terre Rouge River and downstream the Terre Rouge River to the sea.

West and North
From the last mentioned point, the boundary runs in a general North Easterly direction along the sea shore to the starting point.

BOUNDARIES OF THE
DISTRICT COUNCIL OF RIVIERE DU REMPART

North and East

Starting from the seashore at the western boundary of Cap Malheureux public beach, the boundary runs in a general South Easterly direction along the seashore to Pointe de Roches Noires.

Small islands off the coast facing the above described Northern and Eastern limits shall form part of the Riviere du Rempart Municipal Council Area.

South

From the said Pointe de Roches Noires, the boundary runs in a South Westerly direction along an imaginary line up to the junction of Aubin Road; thence North West from that junction along Belle Vue Road (B22); thence from the junction of Belle Vue Road (B22) with the junction of an estate road South West on a developed length of about 800m; thence from the junction of that estate road along a second estate road North West for 300m; thence from the junction of the second estate road South westerly along a third estate road for 320m; thence from the junction of the third estate road North Westerly along a forth estate road for 220m; thence from the junction of the junction of the fourth estate road with “Chemin Maleppa” North Westerly for a developed length of about 320m along “Chemin Maleppa”; thence North West along “Chemin Maleppa” for a developed length of 1283m thence from the junction of “Chemin Maleppa” along Amaury Branch road in a North Westerly direction for 604m; thence South West from Amaury Branch road to its intersection along River du Rempart; thence South West along River du Rempart to its confluence with “River Chevrettes”.

241
West

By the eastern boundary of the Municipal Council Area of Pamplemousses up to the starting point.

BOUNDARIES OF THE
DISTRICT COUNCIL OF MOKA

North

Starting from the junction of the Southern boundary of the town of Port Louis and the eastern boundary of the town of Beau Bassin Rose Hill, the boundary runs along the Southern boundary of the town of Port Louis, then along part of the Southern boundary of the Municipal Council of Pamplemousses to a point on Ripailles - Nicoliere Road (B49), 700 metres north east of its Junction with Nouvelle Decouverte Road.

East

Starting from the last mentioned point the boundary runs generally south east along the Western boundary of the Municipal Council of Flacq to the Northern boundary of Municipal Council of Grand Port at Pic Grand Fond.
South

Starting from the last mentioned point the boundary runs generally West along part of the Northern boundary of Municipal Council of Grand Port and along part of the Eastern boundary of the Municipal Council of Curepipe up to Mt. Ebene.

West

Starting from the last mentioned point the boundary runs generally north west along part of the Eastern boundary of the Municipal Council of Curepipe, thence north east, west and north west along the Eastern boundary of the town of Vacoas Phoenix, thence generally west along the Northern boundary of the Municipal Council of Quatre Bornes, thence generally north along part of the Eastern boundary of the town of Beau Bassin Rose Hill up to the starting point.

BOUNDARIES OF THE
DISTRICT COUNCIL OF FLACQ

North

By part of the Municipal Council Area of Pamplemousses on its common southern boundary starting from a point approximately 700 metres North East of the junction of Ripailles-Nicolière Road (B49) and Nouvelle Decouverte Road and by the Municipal Council Area of Rivière du Rempart on its southern boundary.
East

The boundary runs generally South from Pointe Roches Noires along the coast to a point on the right bank of G.R.S.E. river. All the small islands off the coast on the eastern boundary are included in the Municipal Council Area of Flacq.

South

From the last mentioned point the boundary runs South West along an imaginary line running along the southern boundary of Beau Champ cemetery adjoining the Beau Champ Bridge No. 3, passing through Secondary Triangulation Point 17 on Montagne Beau Champ to Montagne Chatte; thence in a general southerly direction by another imaginary line to Montagne Villars; thence in a general westerly direction along the ridge line of Montagne Bambous and Montagne Camizard up to Pic Grand Fond.

West

From the last mentioned point the boundary runs North along an imaginary line to Secondary Triangulation Point 16 on Montagne Maurice; thence North West along a second imaginary line to a point on Montagne Blanche-Bel Air Road(B27) at about 800 metres East of Montagne Blanche Police Station; thence North along a third imaginary line to Montagne Blanche Trigonometrical Station; thence East along the watershed of Blanche Mountain to the Secondary Point 23 on Blanche Mountain; from the last mentioned point the boundary runs North along an imaginary line to meet Clemencia Bridge on Camp de Masque Road(B55); thence another imaginary line to the West peak of Fayence mountain; thence North West on a straight line to the junction of River Coignard and Mare Goyaves Branch Road; thence along River Coignard to its junction with Queen Victoria Branch Road; thence generally West along Queen Victoria Branch Road to its junction with Camp de Masque Road(B55); thence North along Camp de Masque Road(B55) to its junction with Moka-Camp de Masque-Flacq Road(A7); thence North East along the Moka-Camp de Masque-Flacq Road (A7) for 124 metres
to a first Estate Road; thence North along that Estate Road for 359 metres to meet a second Estate Road; thence South West along that Estate Road for 174 metres to its junction with a third Estate Road; thence West along that Estate Road for 591 metres to its junction with Unité Junction Road; thence South along the Unité Junction Road for 647 metres to its junction with Moka-Camp de Masque-Flacq Road (A7); thence South West along the last mentioned road for 1168 metres to its junction with an Estate Road; thence North along that Estate Road for 1469 metres to its junction with Higginson Road; thence South West along the Higginson Road for 343 metres to its junction with another Estate Road; thence North along that Estate Road for 192 metres to its junction with River du Poste; then upstream along River du Poste to its junction with La Nicolière Feeder Channel at Pondard dam; thence North along La Nicolière Feeder Channel to its junction with Nouvelle Decouverte Road(B55); thence generally North West along that Road (B55) to its junction with Ripailles Nicolière Road(B49); thence North East along the Ripailles Nicolière Road(B49) up to the starting point.

BOUNDARIES OF THE
DISTRICT COUNCIL OF GRAND PORT

North

Starting from Lagrave Trigonometrical Station the boundary runs generally East along the ridge of Bambous Mountains through Mountain Laselle and Table A Perrot up to Pic Grand Fond; thence along the southern boundary of the Municipal Council Area of Flacq to its junction with Grand River South East.

East and South

From the last mentioned junction, the boundary runs South along Grand River South East to its mouth, thence generally South West along the sea shore to the mouth of Rivière Tabac.
West

From the last mentioned point the boundary runs North along Rivière Tabac to a point 29 metres South East of Rivière Tabac Bridge [on La Barraque Road (B8) at L’Escalier; thence North East in a straight line for 27 metres to its junction with a dry rubble wall and a masonry wall [which encloses La Barraque Factory Grounds]; thence North West along the said rubble wall and masonry wall for a total developed length of 228 metres to its junction with La Barraque Road (B8); thence North West along La Barraque Road (B8) to its junction with Gros Bois – L’Escalier By Pass, thence North along that road for 4300 metres to its junction with an estate road, thence West along that estate road for 100 metres to its junction with the road leading to Old Gros-Bois Sugar Factory, thence South along that road for 60 metres; thence West along an estate road for 514 metres to its junction with a second estate road; thence North along the last mentioned estate road for 558 metres to its junction with a third estate road; thence South West along that estate road for 133 metres to its junction with a fourth estate road; thence North West along that estate road for 416 metres to its junction with New Grove Road (B82) at a point 1449 metres South West of its junction with the trace of Old Midland line of Railways; thence South West along New Grove Road (B82) for 149 metres to its junction with an estate road; thence North West along that estate road for 1216 metres to its junction with a second estate road; thence South West along that estate road and its prolongation to its junction with Rivière Tabac; thence North West upstream along Rivière Tabac on a developed length of 2750 metres to its junction with an estate road; thence North East along that estate road for 535 metres to its junction with Junction Road (B81); thence again North East along that road to its junction with Nouvelle France-Plaisance Road (A12); thence generally North West along that road to its junction with Nouvelle France Round-About; thence generally North along Nouvelle France-La Vigie Road on a developed length of 2800 metres to its intersection with the line from Piton Grand Bassin to Mountain La Grave, thence North East along that line to the starting point.

Isle aux Aigrettes, Isle de Passe, Isle-aux-Fouquets and any other small islands along the above coast are in the District of Grand Port.
BOUNDARIES OF THE
DISTRICT COUNCIL OF SAVANNE

North

Starting from the intersection of Les Mares Road and the line from the Government boundary stone No. 35 at the top of the Black River Gorges to Grand Bassin Piton, in the boundary of concession Chamarel, the boundary runs East in that line to its intersection with Rivière du Poste; thence downstream along Rivière du Poste to its intersection with the line from Piton Grand Bassin to the top of Mountain La Grave, thence North East along that line to its junction with Nouvelle France-La Vigie Road.

East

From the last mentioned point, the Municipal Council Area is bounded by the western boundary of the Grand Port Municipal Council Area to the mouth of Rivière Tabac.

South

From the last mentioned point the boundary runs West along the sea shore to the mouth of Rivière des Galets.

West

From the last mentioned point, the boundary runs North along Rivière des Galets to its confluence with Rivulet Ruche; thence upstream along Rivulet Ruche to its confluence with Feeder Luchon; thence again upstream along Feeder Luchon to its source; thence North West
along an imaginary line to Cocotte Mountain Trigonometrical Station; thence North East to the starting point.

BOUNDARIES OF THE
DISTRICT COUNCIL OF BLACK RIVER

North

Starting from the sea off the lighthouse at Pointe aux Caves, the boundary runs along an imaginary line in a generally North Easterly direction to its junction with Pointe aux Sables Road (B31); thence in a Northerly direction along the said Road to its junction with Peupliers Avenue at Pointe aux Sables; thence in a generally Easterly direction along the said Avenue to its junction with Concorde Avenue at La Tour Koenig.

East

From the said junction the boundary runs in a generally South Westerly direction partly along the said Concorde Avenue and partly along an Estate Road to its common junction with Black River Road (A3) and Richelieu Branch Road, thence in a Southerly direction along the said Branch Road to its junction with an Estate Road; thence Easterly along the said Estate Road for 252 metres to its junction with the trace of the disused Midland Railway Line, thence the boundary runs South Westerly along the said trace to its junction with the prolongation of the Northern boundary of Richelieu Livestock Feed Factory (formerly Richelieu Maize Mill); thence East along that boundary to its junction with the Eastern boundary of the said factory; thence Southerly along that boundary for 113 metres to its junction with Richelieu Approach Road, thence Westerly along the said Approach Road to its junction with the trace of the disused Midland Railway Line. The boundary then runs along the said trace to its junction with Chebel Branch Road and from that point in a straight line to the top of Grand Malabar Mountain; thence in a straight line to the Trigonometrical Station (STP32) on the top of Corps de Garde Mountain; thence South Easterly along the ridge to the Glacis; thence Southerly along an imaginary line to its junction with the intersection of Charlie Avenue and a Rivulet at the foot of the said Mountain; thence Westerly along the said rivulet to its junction with the North Easterly prolongation of the La Seringue Avenue, thence the boundary runs South Westerly along the said Avenue to its common junction with Palma Road (B2) and an Estate Road; thence South
Westerly along the said Estate Road for 175 metres to its junction with a second Estate Road; thence North West along the second Estate Road for 175 metres to its junction with a third Estate Road; thence South Westerly along the third Estate Road for 210 metres to its junction again with the said first Estate Road; thence generally South Westerly along the first Estate Road to its junction with Palma Road (B2). The boundary then runs South East along the said road to its junction with the Estate Road leading to Bassin Estate; thence South Westerly along that Estate Road and its prolongation to River Papayes; thence the boundary runs upstream along the said river to its junction with the South Western prolongation of De La Paix Avenue (formerly Southern Boundary Road), thence South Westerly along the said prolongation up to the District Boundary between Plaines Wilhems and Black River on the top of the central peak of Trois Mamelles Mountain, thence generally South along the ridge of the Mountains between the Districts of Black River, Plaines Wilhems and Savanne up to Boundary Stone No. 35 at the top of Black River Gorges; thence the boundary runs Easterly along a straight line on Piton Grand Bassin to its intersection with Les Mares Road; thence South Westerly on a straight line up to the top of Montagne Cocotte; thence South Easterly along straight line to the source of Feeder Luchon, thence downstream along the said Feeder to its confluence with Rivulet Ruche; thence downstream along the said Rivulet until its confluence with River des Galets; thence down the said River to the sea.

**South & East**

From the mouth of River des Galets the boundary runs generally Westerly and thence Northerly along the seashore up to the starting point.

Small islands off the coast facing the above described Southern and Western limits shall form part of the Black River Municipal Council Area.
THIRD SCHEDULE

Part A

*(section 7(5))*

<table>
<thead>
<tr>
<th>Municipal Council</th>
<th>No. of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Louis</td>
<td>28</td>
</tr>
<tr>
<td>Curepipe</td>
<td>22</td>
</tr>
<tr>
<td>Beau Bassin – Rose Hill</td>
<td>25</td>
</tr>
<tr>
<td>Quatre Bornes</td>
<td>22</td>
</tr>
<tr>
<td>Vacoas-Phoenix</td>
<td>25</td>
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Part B

*(section 8(5))*

<table>
<thead>
<tr>
<th>District Council</th>
<th>No. of Councillors</th>
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</thead>
<tbody>
<tr>
<td>Pamplemousses</td>
<td>25</td>
</tr>
<tr>
<td>Rivière du Rempart</td>
<td>25</td>
</tr>
<tr>
<td>Moka</td>
<td>22</td>
</tr>
<tr>
<td>Flacq</td>
<td>25</td>
</tr>
<tr>
<td>Grand Port</td>
<td>25</td>
</tr>
<tr>
<td>Savanne</td>
<td>22</td>
</tr>
<tr>
<td>Black River</td>
<td>22</td>
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# FOURTH SCHEDULE

*(section 10(1))*

## Part A

<table>
<thead>
<tr>
<th>Municipal Council</th>
<th>No. of Electoral Wards</th>
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<td>Port Louis</td>
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<td>Curepipe</td>
<td>4</td>
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<td>Beau Bassin – Rose Hill</td>
<td>5</td>
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<td>Quatre Bornes</td>
<td>4</td>
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<tr>
<td>Vacoas-Phoenix</td>
<td>5</td>
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## Part B

<table>
<thead>
<tr>
<th>District Council</th>
<th>No. of Electoral Wards</th>
</tr>
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<tbody>
<tr>
<td>Pamplemousses</td>
<td>5</td>
</tr>
<tr>
<td>Rivière du Rempart</td>
<td>5</td>
</tr>
<tr>
<td>Moka</td>
<td>4</td>
</tr>
<tr>
<td>Flacq</td>
<td>5</td>
</tr>
<tr>
<td>Grand Port</td>
<td>5</td>
</tr>
<tr>
<td>Savanne</td>
<td>4</td>
</tr>
<tr>
<td>Black River</td>
<td>4</td>
</tr>
</tbody>
</table>
FIFTH SCHEDULE

*(section 9 (2)(b))*

<table>
<thead>
<tr>
<th>Size of Village Electorate</th>
<th>No. of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1500</td>
<td>6</td>
</tr>
<tr>
<td>1501-2500</td>
<td>8</td>
</tr>
<tr>
<td>2501-5000</td>
<td>10</td>
</tr>
<tr>
<td>5001-10,000</td>
<td>12</td>
</tr>
<tr>
<td>Over 10,000</td>
<td>14</td>
</tr>
</tbody>
</table>

SIXTH SCHEDULE

*(section 27(1))*

Oath or Solemn Affirmation

I, ..........................................................................................................................

having been elected/appointed a councillor do hereby swear/solemnly affirm that I take that
office upon myself, and will duly and faithfully fulfill its duties according to the best of my
judgment and ability.

Public sitting held on ................................................................. in the Council Chamber of the
Municipal/ District/Village Council of.........................................................
SEVENTH SCHEDULE

(section 40)

Meetings and proceedings of local authorities

PART A – MUNICIPAL OR DISTRICT COUNCILS

1. In this Part, “Council” means a municipal or district council.

2. The Council shall meet at least once every fortnight, in public, in the Council Chamber preferably during working hours.

3. (1) The Mayor of a municipal council or the Chairperson of a district council may call a special meeting of the Council –

(a) whenever he thinks it necessary; or

(b) after a requisition for that purpose, signed by not less than one third of the total number of councillors and specifying the reasons for the meeting, has been addressed to him through the Chief Executive.

(2) Where the Mayor of the municipal council or the Chairperson of the district council, as the case may be, refuses to call a meeting after the presentation of the requisition to him, or where, without refusing, the Mayor or Chairperson does not call a meeting within 3 working days after the requisition has been addressed to the Chief Executive, the requisitionists may ask the Chief Executive to call forthwith a meeting of the Council
within one week of the requisition addressed to the Mayor or Chairperson under paragraph 3 (1) (b).

(3) Where, without reasonable cause, a Chief Executive fails to call a meeting when requested to do so under subparagraph (2), he shall commit an offence.

(4) Every meeting shall be convened by notice stating the business to be transacted at the meeting and shall be signed by the Chief Executive.

(5) (a) The notice of the meeting shall be left at or sent by registered post to the usual place of residence or business of every councillor and a copy thereof shall be affixed in a conspicuous place at the seat of the local authority at least 3 days before the meeting.

(b) Want of service of the notice on any member of the Council shall not affect the validity of a meeting.

(6) (a) Subject to subparagraph (6)(b), no business other than that specified in the notice shall be transacted at a meeting of the Council.

(b) (i) Any councillor may, before the commencement of public business, give notice of his intention to raise at the adjournment of the Council a matter of urgent public importance and state the matter briefly.

(ii) The Mayor of the municipal council or the Chairperson of the district council, as the case may be, shall not allow the motion to be discussed unless he is satisfied that the matter is urgent.
(iii) The Mayor of the municipal council or the Chairperson of the district council may, where he is satisfied that priority should be given to the motion, allow it to be discussed before the business of the day is actually transacted.

4. Subject to section 37 of the Act -

(a) the Mayor of the municipal council or the Chairperson of the district council, as the case may be, shall preside every meeting of the Council at which he is present;

(b) where the Mayor or Chairperson is absent from a meeting of the Council, the Deputy Mayor or Vice-Chairperson, as the case may be, shall, if present, preside;

(c) where both the Mayor and Deputy Mayor, or Chairperson and Vice-Chairperson, as the case may be, are absent from a meeting of the Council, the member whose name is drawn by lot by the Chief Executive shall preside; and

(d) any reference in this Schedule to the Mayor of a municipal council or Chairperson of a district council shall be interpreted as a reference to the person presiding a meeting.

5. (1) All acts of the Council and all questions coming or arising before the Council shall be done and decided by a majority of the councillors present and voting.

(2) In the case of an equality of votes the person presiding the meeting shall have a second or casting vote.
6. The proceedings and debates of the Council or of any committee thereof shall be conducted in English or French.

7. The names of the councillors present at a meeting of the Council or at a committee thereof shall be recorded.

8. (1) Minutes of the proceedings of a meeting of the Council or of any of its committees shall be drawn up in English or French and entered in a book for that purpose by the Chief Executive or by any officer appointed for that purpose, and a copy thereof shall be circulated to the councillors within 7 days of the meeting and at least 3 days before the next meeting of the Council.

(2) At the next meeting, the Mayor of the municipal council or the chairperson of the district council, as the case may be, shall ask the councillors present whether they approve the minutes of proceedings of the previous meeting and, where no objection is raised, the minutes shall be deemed to have been approved without its being necessary to have them read.

(3) After the procedure laid down in subparagraph (2) has been followed, the minutes shall be signed by the Mayor of the municipal or district council, as the case may be, and the Chief Executive. Any minute purporting to be so signed shall be received in evidence without further proof.

(4) (a) A meeting of the Council or of any of its committees in respect of which a minute has been so made and signed shall, prima facie, be deemed to have been duly convened and held and all the councillors present at the meeting shall be deemed to have been duly qualified.
(b) Where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

9. (1) No resolution expressly or impliedly repealing or altering a decision taken by the Council within the year preceding that resolution shall be proposed at any meeting held within that year unless prior notice thereof is given to the Chief Executive at least 10 days before the meeting.

(2) On receiving a notice under subsection (1), the Chief Executive shall do the needful so that notice of the motion is served on every councillor at least 7 days before the meeting and no such resolution shall have effect unless it is voted at the meeting by at least two-thirds of the councillors present.

(3) After a resolution expressly or impliedly repealing or altering a decision of the Council has been proposed and rejected, no councillor may propose the same resolution again or propose a new resolution expressly or impliedly repealing or altering the decision, unless —

(a) 6 months have elapsed from the date of the decision; or

(b) his proposal has the written support of half of the total number of councillors.

(4) Where for want of a quorum, the resolution cannot be put to the vote at 2 following subsequent meetings, no councillor may propose the same resolution unless 6 months have elapsed.

(5) Where the decision which it is sought to repeal or alter was for doing an act forthwith or within a specified time, such decision, unless repealed or altered, may be carried out
immediately after the second of the meetings, if no time was specified, or after the expiration of the specified time.

10. Subject to this Act, the Council shall make standing orders for the regulation of its proceedings and business, and may vary or revoke any such orders.

11. (1) All meetings of any committee appointed under section 41 shall be convened in writing by the Chief Executive.

(2) (a) Every such meeting shall be convened by notice stating the business to be transacted at such meeting and shall be signed by the Chief Executive.

(b) The notice shall, at least 3 days before a meeting, be left at or sent by registered post to the usual place of residence or business of every member and shall be accompanied by copies of the minutes of proceedings of the previous meeting and of reports, if any, to be considered at the meeting.

(c) No business other than that specified in the notice shall be transacted at such meeting.

(3) Minutes of the proceedings of a committee shall be drawn up in English or French and entered in a book kept for that purpose by the Chief Executive, or any other officer acting on his behalf, and a copy shall be circulated to every councillor within 7 days of the meeting and not later than three days before the next meeting of the Committee.
(4) Any councillor not being a member of a committee who wishes to comment on the minutes shall inform the Chief Executive in writing of his comments at least one day before the meeting at which these minutes are to be confirmed.

(5) Reports of any committee which have been subsequently confirmed shall be sent to every member of the Council.

(6) A member of a committee shall not disclose, except to a member of the Council, a matter dealt with or brought before such committee without its permission until such matter is discussed in Council or is otherwise disposed of.

12. (1) Every committee, shall, at its first meeting, before proceeding to any other business, elect a chairperson and a deputy chairperson.

(2) In the absence of the chairperson or the deputy chairperson, the members present shall elect from amongst themselves a chairperson for that meeting.

(3) Every chairperson or deputy chairperson of a committee shall remain in office until the dissolution of the committee.

13. (1) All questions in committee shall be determined by a majority of members of the committee present and voting.

(4) Unless a member requests a division, voting shall be by show of hands.

(5) In the case of an equality of votes the person presiding at the meeting shall have a second and casting vote.
14. The standing orders of the Council as to rules of debate at the meetings of the Council (other than those relative to standing and speaking more than once) and the standing orders as to interest of councillors and officers in contracts and other matters, shall, mutatis mutandis, apply to the meetings of any committee.

15. All notices, reports and other documents and all proceedings of committees shall be treated as confidential unless and until they become public either in the ordinary course of the business of the Council or in accordance with any instruction or authority issued or given by the Council.

16. No business shall be transacted at a meeting of a local authority unless there are present not less than half of the number of members.

PART B – VILLAGE COUNCILS

1  In this Part, “Council” means a Village Council.

2  In addition to the meetings specified in section 39 of this Act, the Council shall hold at least 4 quarterly meetings every year for the transaction of general business.

3  (1) (a) The chairperson of the Council, may call a meeting for the Council whenever he thinks it necessary or after a requisition for that purpose, signed by at least one third of the councillors and specifying the reasons of the meeting has been presented to him.
(b) Where the chairperson refuses to call a meeting after the presentation of the requisition to him, or where without refusing, the chairperson does not call a meeting within 15 days as the case may be, the councillors may forthwith call through the secretary a meeting of the Council.

(2) Every meeting shall be convened by notice stating the business to be transacted at the meeting signed by the Chief Executive of the district council, or his Deputy or a local government officer designated by him, of the district where the village is located.

(3) The notice of the meeting shall be left at or sent by registered post to the usual place of residence or business of every councillor at least 5 days before the meeting and a copy affixed to a board provided for that purpose outside the building in which the Council usually meets. In case of a notice left, a receipt should be requested in the despatch book.

(4) Except by leave of the person presiding and of all the members present no business shall be transacted at a meeting other than that specified in the notice of meeting.

4. (1) At a meeting of the Council the chairperson of the Council, if present, shall preside.

(2) Where the chairperson of the Council is absent from a meeting of the Council, the vice-chairperson, if present, shall preside.

(3) Where both the chairperson and vice-chairperson of the Council are absent from a meeting of the Council, the members shall elect from among themselves a person to chair the meeting.
5. (1) All acts of the council and all questions coming or arising before Council shall be done and decided by a majority of the members of the Council present and voting thereon at a meeting of the Council.

(2) In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote.

(3) No resolution of the Council shall be acted upon until the minutes of the meeting at which the resolution was passed have been confirmed at a subsequent meeting in accordance with paragraph 8 unless authority for such action has been expressly included in the resolution.

6. Meetings of the Council shall be held in public.

7. The names of the members present at a meeting of the Council shall be recorded.

8. (1) Minutes of the proceedings of a meeting of the Council shall be drawn up in English and entered in a book kept for that purpose by the Chief Executive, or the other designated by him, and a copy shall be circulated to the members of the Council, and to the Permanent Secretary within 15 days of a meeting.

(2) At the next meeting, the person presiding shall inquire of the members present whether they approve the minutes of the proceedings of the previous meeting, and where no objection is raised, they shall be deemed to have been approved without it being necessary to have them read.
(3) After the procedure laid down in sub-paragraph (2) has been followed, the minutes shall be signed by the person presiding, and any minute purporting to be signed shall be received in evidence without further proof.

9. The Permanent Secretary or any public officer at the request of the Permanent Secretary shall be entitled to attend any meeting of the Council and to take part in the proceedings but not to vote at such meetings.

EIGHTH SCHEDULE

(section 55(3))

Areas, places, property and undertakings

The cemeteries situated in the district of Port Louis and known as –

The Eastern Cemetery

The New Muslim Cemetery

That part of Vallée Pitot in the district of Port Louis made up of 2 large blocks of State land leased by the State to the municipality and 2 private properties of which the boundaries are as follows –

North West – By Giquel Street.
South East – By Sauzier Street.

South West – By Inkermann Street.

North West – By Malakoff Street.

East – From the last mentioned point, the boundary runs south-east along Sauzier Street on a distance of 68.58 metres to its junction with Inkermann Street.

South – From the last mentioned point, the boundary runs south-west along Inkermann Street on a length of 229.13 metres to its junction with Malakoff Street.

West – From the last mentioned point, the boundary runs north-west along Malakoff Street on a length of 78.02 metres to its junction with Giquel Street, the point of departure.

NINTH SCHEDULE

(Section 64(2))

State land situate at Guy Rozemont Square

Description of 6 small portions of former War Department land (now State Land) situate at Guy Rozemont Square, formerly Artillery Place, in the Town and District of Port Louis bounded as shown on the plan accompanying the memorandum of survey of surveyor S Pelte, dated 21 November, 1910 and registered in Reg LS 10 No 1943.
PORTION A

(Decaen Street)

Towards the south firstly by Guy Rozemont Square, formerly Artillery Place, secondly by Sujeebun sing or assigns and thirdly by former War Department land (RA Barracks, now State land) on a total length of 78.33 metres.

Towards the west by Engineer Street on 8.84 metres.

Towards the north by railway property into 4 parts firstly along the southern edge of a drain on railway land on 38.71 metres, secondly on the 0.61 metre being the width of a wall, thirdly and fourthly by a wall belonging to the railway on 27.43 metres and 12.50 metres respectively.

Towards the east by a wall belonging to the railway into 2 parts. The first part measures 3.96 metres and the second measures 0.91 metres. This portion contains 705 square yards.

PORTION B

On all sides by Guy Rozemont Square, formerly Artillery Place. This portion is 32.92 metres long and 6.10 metres wide. It contains 240 square yards.
PORTION C

Towards the north-east and east by the former War Department land (now State land) on 14.32 metres and 34.75 metres respectively.

Towards the south partly by the portion marked F and partly by Guy Rozemont Square, formerly Artillery Place, on a total length of 6.10 metres.

Towards the west by Guy Rozemont Square, formerly Artillery Place, on 47.85 metres

This portion contains 302 square yards.

PORTION D

Towards the north, east and south by Guy Rozemont Square, formerly Artillery Place.

Towards the west by the former War Department land (RA Barracks, now State land).

This portion is 39.01 metres long and 5.18 metres wide. It contains 242 square yards.
PORTION E

On all sides by Guy Rozemont Square, formerly Artillery Place. This portion is 47.24 metres long and 6.10 metres wide.

It contains 344 square yards.

PORTION F

(part of Bouvet Lane)

Towards the north partly by the portion marked C and partly by the former War Department land (now State land) on a total length of 9.14 metres.

Towards the east by the passage called Bouvet Lane on 2.44 metres.

Towards the south partly by the said passage and partly by Guy Rozemont Square, formerly Artillery Place, on 9.14 metres.

Towards the west by Guy Rozemont Square, formerly Artillery Place, on 2.44 metres.

This portion contains 261/2 square yards.
TENTH SCHEDULE

(section 109(6) and (7))

Part A

Immovable properties not subject to local rate

1. Immovable property owned and occupied by any foreign State or any organisation or body accorded diplomatic immunity under any enactment

2. Immovable property owned and occupied by the Government of Mauritius or a statutory corporation exclusively owned by the Government of Mauritius

3. Immovable property owned and occupied by a local authority and situated within its own rating area

4. Agricultural building or agricultural land

5. Immovable property belonging to the Curepipe War Memorial Board or to the Austin Wilson Home.

6. Any church, chapel, mosque, temple or similar building used solely as a place of public religious worship.
Part B

Immovable properties which may be exempted from payment of local rate

1. Immovable property owned and exclusively occupied by any religious institution

2. Pre-primary, primary and secondary schools and tertiary institution in receipt of grants from the Government

3. Immovable property exclusively used as an orphanage, infirmary, or crèche

4. Immovable property or any part thereof belonging to an association registered under the Registration of Associations Act and exclusively used for the purposes of training its members for sporting competitions

5. Immovable property belonging to a charitable institution.

6. Unoccupied immovable property owned by a Statutory Corporation exclusively owned by Government or agencies of Government
ELEVENTH SCHEDULE

*(sections 2 and 137)*

**Clusters**

1. **Commercial cluster**

(a) Commercial activities relate to the provision of goods and services within building premises, such as shops, showrooms, post offices, hairdressers’ salons, undertakers’ parlours, ticket and travel agencies and cafés.

(b) A change of economic activity within the building premises in respect of which a Building and Land Use Permit has been granted for commercial development will not require a fresh permit if the change of economic activity does not result in -

   (i) direct or indirect dangerous or congested traffic conditions on any nearby street or road;

   (ii) adverse external nuisance such as noise, dust, smell, fumes, soot, ash, vibration or any other similar nuisance;

   (iii) loading and unloading causing disruption to the amenity of the surrounding neighbourhood;

   (iv) inadequate parking on site for staff and visitors; or

   (v) unsafe storage of materials.

2. **Industrial cluster**

(a) Industrial activities relate to the manufacture or processing of goods within any premises and include light industry and general industry.
(b) Extractive industry and special industry (noxious) will be sui generis, that is standing on its own (see item 4).

(c) A change of economic activity within the building premises in respect of which a Building and Land Use Permit has been granted for industrial development shall require a fresh permit if the proposed change results in -

(i) detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, water, waste products, oil, power supply or otherwise;

(ii) direct or indirect dangerous or congested traffic conditions on any nearby street or road;

(iii) loading and unloading, causing disruption to the amenity of the surrounding neighbourhood;

(iv) inadequate parking on site for staff and visitors; or

(v) unsafe storage of materials.

3. **Services cluster**

(a) Service activities relate to the provision of financial and professional services and include banks and other financial services and professional services such as estate agents and employment agencies.

(b) A change of use within the building premises in respect of which a Building and Land Use Permit has been granted for development of services shall require a fresh permit if the proposed change of use results in -

(i) direct or indirect dangerous or congested traffic conditions on any nearby street or road;

(ii) adverse external nuisance such as noise, dust, smell, fumes, soot, ash, vibration or such other similar nuisance;
(iii) loading and unloading, causing disruption to the amenity of the surrounding
neighbourhood;

(iv) inadequate parking on site for staff and visitors; or

(v) unsafe storage of materials.

4. **Sui Generis activities**

(a) Certain economic activities cannot be specifically categorised within one of the 3
clusters. These activities are classified as sui generis or “standing on their own”.

(b) A fresh permit is required for any change of economic activity from or to a sui generis
activity.

(c) Economic activities expressly excluded from the 3 clusters referred to above are-

(i) extractive industry;

(ii) special industry (polluting and noxious industry);

(iii) builders’ yard;

(iv) scrap yard;

(v) petrol filling station;

(vi) hypermarket;

(vii) theatre;

(viii) amusement centre; and

(ix) nightclub.

**Note 1:** For the purposes of item (c)(i), “extractive industry” means an industry carried
on by -

(a) extracting sand, gravel, soil, rock, stone or other similar materials from the land,
beds of watercourses, the seabed; or
(b) the getting, dressing or treatment of minerals and mineral stone.

Note 2: The following industries are to be treated as not falling within any cluster -

(a) sugar manufacture from sugar cane and associated industries including distilleries using molasses for the production of rum and alcohol, pelleting of bagasse, production of bagasse cubes, manufacture of chipboard and particle board;

(b) stone crushing plants and associated activities including the primary and secondary crushing of rocks and boulders premixing of concrete, block making (unless being carried out as an individual operation), the making of precise slabs, and floor and wall tiles;

(c) the manufacture of textiles and other wearing apparel involving continuous spinning or bleaching and dyeing processes;

(d) the manufacture of wearing apparel from rubber products;

(e) breweries;

(f) dry cleaning;

(g) tanneries;

(h) cement plants;

(i) pulp and paper manufacture excluding mechanical pulping of waste paper into recycled material, not involving chemical processes;

(j) foundries;

(k) the manufacture of “table salt” from sea water; and

(l) sawmills.
TWELFTH SCHEDULE

*(sections 2 and 138 )*

**PART A**

Agent for Import and Export

Agent in Animals

Agent in Land and/or Building, or Estate Agent

Agent of a foreign pool promoter

Aluminium, metal welding, panel beating and/or paint workshop

Aquaculture (for commercial purposes)

Assembly of batteries

Assembly of motor vehicles

Assurance or Insurance Agency

Assurance or Insurance Company

Auctioneer keeping auction room

Auctioneer keeping no auction room

Audiotex service provider

Automotive Workshop employing 10 persons or more

Automotive Workshop employing less than 10 persons

Bakery and/or Pastry shop/manufacturer

Bank (Branch)

Bank (Main Office)

Beauty Care Centre

Billiard/Pool/Bowling House or Snooker (per table or alley)

Block/Slab/Tiles/Ceramic making, Stone/Coral crushing and other related activities employing 10 persons or more
Block/Slab/Tiles/Ceramic making, Stone/Coral crushing and other related activities employing less than 10 persons
Bonded Warehouse
Bookmaker operating at racecourse
Bookmaker operating outside racecourse
Bookmaker operating by telephone
Bookmaker operating by telephone (each additional place)
Bottler
Bread Seller
Breeder of animals (above 20 heads)
Builder of Coach
Bulk Storage of Pesticides and Dangerous Chemicals
Business and/or Management Consultancy or Professional Service (including medical and paramedical practitioners and optician) (Firm)
Business and Management Consultancy or Professional Service (including medical and paramedical practitioners and optician) (Individual)
Caterer/Canteen (employing less than 10 persons)
Caterer/Canteen (employing 10 persons or more)
Cinema Hall/Multiplex (per screen)
Coin-operated Gaming/Amusement Machine (per machine)
Cold Room and Refrigeration Plant (for storage and hire only) (0 - 46.45 m²)
Cold Room and Refrigeration Plant (for storage and hire only) (46.46 - 92.90 m²)
Cold Room and Refrigeration Plant (for storage and hire only) (above 92.90 m²)
Computer/ICT Related Activities
Contractor for hire of audio equipment decorative items
Contractor for hire of scaffolding equipment, tubular tent and accessories
Contractor of motor vehicles - per motor vehicle, excluding contract motor vehicles for the conveyance of tourists
Contractor for hire of construction plants and equipment
Cybercafé

Day Care Centre
Dealer in autocycles, motor cycles and accessories (excluding rental to tourists)
Dealer in bicycles and bicycles accessories (excluding rental to tourists)
Dealer in commercial and industrial equipment and accessories
Dealer in electric and electronic appliances and accessories thereof
Dealer in motor vehicles and spare parts
Dealer in motor vehicles spare parts and tyres
Dealer in old metals
Dealer in ready made goods
Dental mechanic
Distributor of general merchandise excluding liquor and manufactured tobacco
Distributor/Dealer of liquor and/or manufactured tobacco
Dock/Wharf owner and/or agent
Driving School
Duty Free Outlet

Engraver, including 'tombaliste'
Establishment for bulk processing, storage and handling of petroleum, petroleum products, liquid gas, coal and petro-chemical products
Establishment for recording/sale/hire of audio, video cassette, compact discs and other recording/storage devices
Establishment for the manufacture of paints and other allied products
Exhibition Centre with the right to sell articles exhibited therein by retail

Filling Station
Financing and Lending Agency
Firm of Builders and/or Contractors
Florist

Food processing industry (employing 10 persons or more)

Food processing industry (employing less than 10 persons)

Formulation, Packing and Dealing in Pesticides, Herbicides, Fertilizer and other listed chemical products

Foundry, smelting plant or metallurgical workshop and galvanizing and electroplating activities

Gaming House holding 'A' licence

Gaming House holding 'B' / 'C' licence

Gaming House holding Casino Licence

Gas Seller (Retailer)

Gas Seller (Wholesaler)

General Retailer - Foodstuff (including liquor) and Non Foodstuff

General Retailer - Foodstuff (excluding liquor) and Non Foodstuff

Hardware shop having the right to sell cement, iron and steel bars

Hardware shop not having the right to sell cement, iron and steel bars

Health club, sports centre and/or wellness centre (including gym centre), excluding those on hotel premises in leisure and entertainment centres approved by the Ministry of Tourism

Hypermarket

Importer/Manufacturer/Seller of Gold and Silver wares and other precious metals and/or stones

Industry not classified elsewhere in this Part (employing 10 persons or more)

Industry not classified elsewhere in this Part (employing less than 10 persons)

Job Contractor (Grade A or B)

Job Contractor (other than Grade A or B)
Land Promoter and Property Developer

Launderer and Dry Cleaner

Launderette

Maker/Seller of clocks and watches

Manufacturer of footwear (employing 10 persons or more)

Manufacturer of footwear (employing less than 10 persons)

Manufacturer/Distiller/Bottler of alcoholic and non alcoholic drinks and/or vinegar

Manufacturer and/or Seller of handicraft products (employing 10 persons or more)

Manufacturer and/or Seller of handicraft products (employing less than 10 persons)

Manufacturer of candles (employing less than 10 persons)

Manufacturer of candles (employing 10 persons or more)

Manufacturer of Crown Bags

Manufacturer of food items (self employed)

Manufacturer of furniture and cabinet (employing 10 persons or more)

Manufacturer of furniture and cabinet (employing less than 10 persons)

Manufacturer of mattresses

Manufacturer of salt

Manufacturer of soap and detergents

Manufacturer of spirit vinegar and vinegar

Manufacturer of tobacco products

Manufacturer of toilet requisites

Manufacturer of wax blends and liquid polish

Manufacturer of typewriter ribbons

Matrimonial Agency

Medical Clinic

Medical Laboratory and/or X-Ray and Scan Centre

Merchant/Wholesale dealer

Mirror Manufacturer
Modelling Agency
Money changer and/or lender
Multi-purpose hall, including wedding hall
Museum/Art Gallery

Nightclub except nightclub located in leisure and entertainment centre approved by Ministry of Tourism

Oil manufacturing and/or related processing activities
Operator of totalisator
Operator of totalisator (Agent)
Organiser of trade/commercial fair
Owner of bus for public transport (per bus)
Owner of fishing business (banian)
Owner of goods vehicle (Carrier's 'B') (per vehicle)

Packing enterprise of foodstuff and/or non foodstuff
Paid parking spaces for motor vehicles (per slot)
Pest control service provider
Petroleum refinery
Pharmacy
Photographer/Photo Studio
Plant Nursery
Pool Promoter Collector
Poultry pen (500 birds and above)
Poultry pen (less than 500 birds)
Printing industry (employing 10 persons or more)
Printing industry (employing less than 10 persons)
Private Club
Private enterprise offering courier service
Private Radio/television broadcasting
Private security service provider
Pulp and paper manufacturer

Recycling plant enterprise
Registered office of company
Repair/Assembly of bicycles and motorcycles
Residential Care Home
Rock/Stone/Coral/Sand quarry

Sawmill
Scavenging/Cleaning contractor
School Bus Operator (per vehicle)
Screen printing/serigraphy
Seller of foodstuff and non foodstuff (mobile), except on public beaches
Seller of fruits/vegetables
Seller of milk/milk products
Seller of newspapers/magazines/lotteries in kiosque
Seller of poultry, meat, fish and allied products
Seller of traditional medicines/Ayurvedic products
Shoemaker (cordonnier)
Showroom
Skating/Karting centre
Store and warehouse (less than 50m²)
Store and warehouse (between 50 - 100m²)
Store and warehouse (more than 100m²)
Sugar factory or refinery
Supermarket
Tailor (employing 10 persons or more)
Tailor (employing less than 10 persons)
Tannery and leather finishing establishment
Taxi/Carrier A (per Taxi)
Textile industry with or without spinning, weaving, washing, knitting, bleaching, dyeing and printing (employing less than 50 persons)
Textile industry, with or without spinning, weaving, washing, knitting, bleaching, dyeing and printing (employing 50 to 150 persons)
Textile industry with or without spinning, weaving, washing, knitting, bleaching, dyeing and printing (employing more than 150 persons)
Timber dealer, processing and storage

Undertaker
Upholsterer

Victualler

Wild game farming/stalking
Workshop for repair of chemical appliances, refrigerators and other electrical, mechanical appliances, and washing of vehicles
Workshop for repair and/or assembly of computers and other electronic and electrical appliances
Workshop for vulcanization, retreading and repair of tyres and wheel balancing
Workshop not elsewhere classified in this Part
PART B

Circus or fun fair

Complete obstruction of a street, for private purposes (per day)

Complete obstruction, by any person other than a public undertaker or authority providing services or utilities, of half a street, or less, for any reason (per 6 metres or fraction of 6 metres, per day)

Digging across or along a public road, or undertaking any excavation work on a public road, where the road is to be reinstated by the local authority -

(a) reinstatement fee per square metre of tarred road

(b) reinstatement fee per square metre of untarred road

Display of an advertisement on electronic board or any other electronic medium -

(a) of not more than 3m² (per 0.1m²)

(b) of more than 3m² (per additional 0.1m² or fraction thereof)

Display of an advertisement on field board or billboard –

(a) of not more than 3m² (per 0.1m²)

(b) of more than 3m² (per additional 0.1m² or fraction thereof)

Display of an advertisement on a flag (per flag)

Display of an advertisement on a vehicle (per vehicle per advertisement)

Display of an advertisement on wooden board, wall, building, tin or any other material or under glass -

(a) of not more than 3m² (per 0.1m²)

(b) of more than 3m² (per additional 0.1m² or fraction thereof)
Erecting an enclosure approved by the engineer which shall not exceed the width of the footway, for work carried out in the line of the street, the scaffoldings not projecting beyond the enclosure (per 6 metres, or fraction of 6 metres, per day)

Fixing of posters - per copy
(a) size - not more than 1 m²
(b) size - more than 1 m²

Installation of electric motor or engine –
(a) of more than 186.4W but not more than 1491.4W
(b) of more than 1491.4W but not more than 2982.8W
(c) of more than 2982.8W but not more than 3728.5W
(d) of more than 3728.5W but not more than 7457W
(e) of more than 7457W but not more than 11,185.5W
(f) of more than 11,185.5W but not more than 18,642.5W
(g) of more than 18,642.5W

Merry-go-round (outside a circus or fun fair), driven by man-power per installation
Merry-go-round (outside a circus or fun fair) power driven, per installation (exclusive of fee for installation of motor)
Montagnes-russes (outside a circus or fun fair) per installation

Occasional activities
(a) Organisation of fun fair (per day)
(b) organisation of game of darts in fancy fair (per day)
(c) organisation of game of darts within the precincts of a race course (per stand per day)
(d) organisation of game of skills (other than darts) in fancy fairs and within the precincts of a race course (per stand per day)
(e) organisation of Public Entertainment Events (per day)
(f) sale of articles during fairs (per stall per day)

(g) sale of articles during festivities and end of year festivities (per stall per day)

(h) sale of beer, cider, perry, rhum and other alcoholic beverages and liquors in fancy fairs and other commercial fairs (per sale point per day),

(i) sale of cakes, refreshments, fruit and photographic materials (per day)

(j) sale of Christmas trees (per day)

(k) sale of liquor (per sale point per day)

(l) sale of seasonal fruit (per day)

(m) sale of toys, fire crackers and handicraft (per stand per day)

(n) trade fair or exhibition (per stand per day)

(o) victualler fancy fair (per day)

(p) victualler in fair (per day)

Use of steam boiler, steam going machine or engine driven by steam, petrol, diesel oil or gas, in any factory or workshop or for any factory or workshop or for any commercial purposes