

ACT

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THE LOCAL GOVERNMENT ACT, 2004

ARRANGEMENT OF SECTIONS

Section No.

PART I—PRELIMINARY

1. Interpretation.

PART II—ESTABLISHMENT OF LOCALITIES AND LOCAL COUNCILS

2. Creation of localities.
3. Incorporation of local councils.

PART III—COMPOSITION OF LOCAL COUNCILS AND ELECTION OF COUNCILLORS

4. Composition of local councils.
5. Period for elections.
6. Qualifications and disqualifications of Councillors.
7. Tenure of office of Councillors.
8. Oath to be taken by Councillors.
9. Vacancy in seats of Councillors.
10. Filling of vacancies.
11. Chairpersons.
12. Removal of Chairpersons.
13. Deputy Chairpersons.
14. First business of local councils.

PART IV—MEETINGS AND COMMITTEES OF LOCAL COUNCILS

15. Meetings of local councils.
16. Use of languages.
17. Standing Orders.
18. Minutes to be *prima facie* evidence.
19. Committees of local councils.

ii

Section No.

PART V—FUNCTIONS OF LOCAL COUNCILS AND COUNCILLORS

20. Functions of local councils.
21. Local councils to delegate functions.
22. Ministries to formulate policies.
23. Ministries and Government Departments to consult local councils.
24. Joint committees of local councils.
25. Joint commercial activities.
26. Government to delegate functions.
27. Chiefdom Councils to co-operate with local councils.
28. Chiefdom Councils to perform certain functions.
29. Duties of Councillors.
30. Remuneration of Councillors, Chairpersons and Deputy Chairpersons.

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

31. Local Council Chief Administrator.
32. Other staff of local councils.
33. Staff to be responsible to local councils .
34. Assignment of staff.
35. Establishment of Local Government Service Commission.
36. Composition of Commission.
37. Tenure of office of members of Commission.
38. Functions of Commission.
39. Remuneration of members of Commission.
40. Meetings of Commission.
41. Committees of Commission.
42. Secretariat of Commission.
43. Local councils to establish departments.
44. Local procurement .

PART VII—FINANCIAL PROVISIONS

45. Financing of local councils.
46. Grants for local councils.
47. Grants for devolved services.
48. Basis of distribution of grants.
49. Grants for local councils' administrative costs.
50. Councils may appeal to Minister.
51. Mode of payment.

Section No.

52. Establishment of Local Government Finance Committee.
53. Tenure of office of members of Local Government Finance Committee.
54. Remuneration of members of Local Government Finance Committee.
55. Local Government Finance Committee to recommend grant allocations.
56. Licences for trades, etc.
57. Fees.
58. Local councils and Chiefdoms to share revenues.
59. Local councils to determine local taxes.
60. Sharing of mining revenues.
61. Provisions as to licences generally.
62. Expenditure.
63. Local councils to have bank accounts.
64. Investment of funds.
65. Power to borrow monies.
66. Writing-off irrecoverable debts.
67. Local councils to prepare budgets.
68. Use of assets.

PART VIII-PROPERTY RATES

69. Property rates.
70. Assessment of buildings.
71. Appointment of valuers and Assessment Committee.
72. Valuation Lists or Rolls.
73. Objections to Valuation Lists or Rolls.
74. Rate books.
75. Occupied and unoccupied buildings.
76. Minister to issue guidelines.
77. Rates to be a charge on buildings.
78. Levy on owners' goods for non-payment of rates.
79. Levy on occupiers' goods.
80. Proceedings in case of non-payment of rates.

PART IX-ACCOUNTS AND AUDIT

81. Accounts and audit.
82. Auditor-General may disallow or surcharge.
83. Recovery of sums certified due.

PART X-INTERNAL AUDIT

84. Internal audit.

Section No.

PART XI-DEVELOPMENT PLANNING

85. Local councils to approve development plans.
86. Local Technical Planning Committee.
87. Review of development plans.
88. Availability of development plans.
89. Development plans not to be incompatible.

PART XII-BYE-LAWS

90. Local councils to make bye-laws.
91. Uniform bye-laws.
92. Validity of bye-laws.
93. Copy of bye-laws to be deposited at local councils' offices.
94. Local councils to make bye-laws altering local customs.

PART XIII-WARD COMMITTEES

95. Establishment of Ward Committees.
96. Functions of Ward Committees.

PART XIV-RESPONSIBILITIES OF THE MINISTRY

97. Ministry to inspect and monitor activities of local councils.
98. Ministry to mediate.
99. Ministry to approve agreements.
100. President to take over administration of local councils.
101. Establishment of Provincial Coordinating Committees.
102. Functions and meetings of Provincial Coordinating Committees.

PART XV-TRANSPARENCY, ACCOUNTABILITY AND PARTICIPATION

103. Application of Anti-Corruption Act.
104. Declaration of assets.
105. Local councils to take inventories.
106. Security printing of revenue receipts.
107. Reports to be posted on notice boards.
108. Ministry to promote participatory processes in governance.

PART XVI-INTER-MINISTERIAL COMMITTEE ON DECENTRALIZATION

109. Establishment of Inter-Ministerial Committee on Decentralization.
110. Functions of Inter-Ministerial Committee.
111. Secretariat of Inter-Ministerial Committee.

Section No.

PART XVII—MISCELLANEOUS

- 112. Appearance of local councils in legal proceedings.
- 113. Form of title deeds.
- 114. Documents to be *prima facie* evidence.
- 115. Description of properties of local councils.
- 116. Publication of notices.
- 117. Service of notices.
- 118. Hindering publication of notices, etc.
- 119. Inspection of documents.
- 120. Obstruction of inspection.
- 121. Obstruction of execution of Act.
- 122. Entry on premises for purposes of this Act.
- 123. Protection of Councillors and officers from personal liability.
- 124. General penalty.

PART XVIII—TRANSITIONAL PROVISIONS

- 125. First election of Chairpersons.
- 126. Devolution of functions.
- 127. Assignment of staff.

PART XIX—REGULATIONS

- 128. Regulations

PART XX—REPEALS

- 129. Repeals

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIGNED this 24th day of February, 2004

ALHAJI AHMAD TEJAN KABBAH,
President.



No. 1



Sierra Leone

2004

The Local Government Act, 2004

Short title.

Being an Act to consolidate with amendments, the law on local government, and to provide for the decentralisation and devolution of functions, powers and services to local councils and for other matters connected therewith.

[1st March, 2004]

Date of commencement.

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

PART I—PRELIMINARY

Interpretation.	1.	In this Act, unless the context otherwise requires -
Act No. 1 of 2000		“Anti-Corruption Commission” means the Anti-Corruption Commission established by the Anti-Corruption Act, 2000;
		“assets” includes moveable and immoveable properties;
		“Chairperson” means a person elected in accordance with section 11 or 125 and includes a mayor in the case of the Freetown City Council;
Cap. 61		“Chiefdom Councils” means Chiefdom Councils established under the Chiefdom Councils Act;
		“Commission” means the Local Government Service Commission established by section 35;
Act No. 6 of 1991		“Constitution” means the Constitution of Sierra Leone, 1991;
		“Councillor” means a member of a local council;
		“devolved function” means a function performed by Central Government but transferred to local councils under section 20;
		“elected Councillor” means a member of a local council elected under paragraph (a) of subsection (1) of section 4;
Act No. 2 of 2002		“elector” means any person whose name is on any Register of Electors prepared in accordance with the Electoral Laws Act, 2002;
		“financial year” means the financial year of the Government;

		“Inter-Ministerial Committee” means the Inter-Ministerial Committee on Local Government and Decentralisation established under section 109;
		“locality” means the administrative area of a local council and includes a district, town, city or metropolis;
		“local council” means a local council established under paragraph (c) of subsection (2) of section 2;
Cap 63		“local tax” means the local tax established under the Local Tax Act;
		“Local Council Chief Administrator” means a person appointed under section 31;
		“Local Government Finance Committee” means the Local Government Finance Committee established under section 52;
		“Minister” means the Minister charged with responsibility for local government;
		“Ministry” means the Ministry responsible for local government;
		“ordinarily resident” means the home or place where a person normally resides and to which he returns after any period of temporary absence;
		“Paramount Chief Councillor” means a member of a local council selected under paragraph (b) of subsection (1) of section 4;
		“transition period” means the first four years after the establishment of a local council under paragraph (c) of subsection (2) of section 2;
		“ward” means an area within a locality which is delineated and designated by the National Electoral Commission for the purpose of electing a Councillor to a local council.

PART II—ESTABLISHMENT OF LOCALITIES AND LOCAL COUNCILS

Creation of localities.

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

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

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

(3) The Minister, the Minister responsible for finance, and the National Electoral Commission shall, in making any recommendation, consider—

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

of the area.

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

(2) A local council shall have power for the discharge of any of its functions, to acquire and hold movable or immoveable property, to dispose of such property and to enter into any contract or other transaction.

PART III—COMPOSITION OF LOCAL COUNCILS AND ELECTION OF COUNCILLORS

4. (1) A local council shall consist of the number of persons prescribed under paragraph (d) of subsection (2) of section 2, made up of— Composition of local councils.

(a) the Chairperson;

(b) such number of elected Councillors from the locality, elected by universal adult suffrage in accordance with the Electoral Laws Act, 2002; and

Act No. 2 of 2002.

(c) the number of Paramount Chiefs in a locality as specified in Part II of the First Schedule selected by the Paramount Chiefs in the locality to represent their interests.

(2) Paragraph (c) of subsection (1) applies only to localities that have a system of paramount chieftaincy in terms of section 72 of the Constitution.

(3) Every local council shall consist of not less than twelve members.

(4) A person seeking to be a member of a local council as an elected Councillor may present himself to the electorate as a candidate of a political party or as an independent candidate.