

PARTE PRIMA
ATTI LEGISLATIVI ED AMMINISTRATIVI
FIRST PART
LEGISLATIVE AND ADMINISTRATIVE ACTS

LAW No. 52 of 8th June 1972.

Local Government Reform.

THE PRESIDENT
OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING HEARD the Council of Secretaries;
TAKING NOTE of the approval of the Supreme Revolutionary
Council

HEREBY PROMULGATES

the following Law:

CHAPTER I.
GENERAL PROVISIONS

Article 1

Interpretations

In this Law, unless the context otherwise requires the following words and expressions shall have the meaning hereby respectively assigned to them:

- (a) *Bye-Law*: means a bye-law made by a Regional Council.
- (b) *District Council*: means a Council established by a Ministerial decree under Article 10 of this Law and in charge of the affairs of a District.
- (c) *Employees*: means all the servants of a Regional or a District Council.
- (d) *Executive Secretary*: means the Chief Executive Officer of a Regional or a District Council and includes the Assistant Executive Secretary.
- (e) *Financial Year of the Regional and District Councils*: means the year beginning on the 1st day of January and ending on 31st day of December.

- (f) *Local Order*: means an order made by the District Council.
- (g) *Regional Council*: means a Council established by a Presidential decree under Article 8 of this Law.
- (h) *Ministerial Department or other organs*: refers to the various Departments of Ministries, the Judiciary, autonomous Agencies and the Armed Forces in the Region or District.
- (i) *Public Servants*: means State employees serving in a Region or District.
- (j) *Secretary*: means the Secretary of State for Interior.
- (k) *Servants of a Council*: includes all persons in the paid service of a Regional or District Council.
- (l) *The Chairman*: means the person appointed either by a Presidential decree to be Chairman of a Regional Council or Ministerial decree to be Chairman of a District Council.
- (m) *Village Council*: means a Council subordinate to the District Council and composed of one or more villages.

Article 2

System of Local Administration

1. The pattern of Local Administration adopted in the Somali Democratic Republic shall be based on the Socialist Democratic centralism as inspired by the principles of the First and Second Charters of the Revolution.

2. Local Administrations are an integral part of the State Administration and shall carry out the policy of the State aimed at the construction of Socialist Society in their respective localities based on social justice, equality, unity and progress.

3. The Secretary shall supervise over the organisation and proper functioning of Local Councils.

Article 3

Territorial organisation

1. For the purpose of this Law, the territory of the Republic shall be divided into Regions. Each Region shall be sub-divided, on the basis of its area, its economic and social conditions and financial resources, into Districts and Villages.

2. The Regions, their boundaries, Headquarters and crests shall be established by decree of the President of the Supreme Revolutionary Council, on the proposal of the Secretary.

3. The Districts, their respective boundaries, their grading into classes and their Headquarters and crests shall be established by decree of the President of the Supreme Revolutionary Council on the proposal of the Secretary.

4. The Regions, Districts and all other particulars pertaining thereto as established in the Republic at the time of coming into force of this Law shall be deemed to have been set up in accordance with the provisions of this Law.

5. The President of the Supreme Revolutionary Council, on the proposal of the Secretary, having heard the Council of Secretaries may, by decree amend, alter or cancel any particulars in respect of any Region or District.

CHAPTER II.

ESTABLISHMENT OF LOCAL COUNCILS

Article 4

Classification of Local Councils

1. Local Administrations established under this Law shall be classified as follows:

1. Regional Councils
2. District Councils
3. Village Councils.

2. For the purpose of this Law, the City of Mogadiscio shall be under a City Council which shall be an independent administrative body, having the powers and functions provided in its Presidential decree of establishment. It shall have jurisdiction over the whole district of Mogadiscio.

3. The City Council of Mogadiscio shall operate under the Presidency of the Supreme Revolutionary Council, and shall, so far as applicable, be subject to the provisions of this Law.

Article 5

The Status of Regional and District Councils

1. Regional and District Councils shall be juridical persons with perpetual succession and a common seal.

2. Regional and District Councils shall be legally represented by their Chairmen.

Article 6

Regional Administration

The Regional Administration shall consist of the Regional Council and the Chairman of the Regional Council.

Article 7

Appointment and powers of the Chairman of Regional Council

1. The Chairman of a Regional Council hereinafter called the Chairman shall be appointed by decree of the President of the Supreme Revolutionary Council on the proposal of the Secretary.

2. The Chairman shall be the first representative of the Central Government in the Region and shall be responsible to the President, through the Secretary, for the cause of good local Government, administrative guidance and the implementation of the general policy and programme of the Government in the Region. In particular the Chairman shall:

- (a) be responsible for the promotion of socio-economic and political development of the Region in accordance with the Government plan and policy and subject to the decisions of the Council.
- (b) have the power to supervise public servants in the Region and report on their respective work to the Ministry or the Agency concerned.
- (c) convene and preside over the meetings of the Regional Council and execute its decisions and resolutions.
- (d) be responsible for the implementation of Laws, Ministerial decrees and decisions of the Regional Council.
- (e) in consultation with the Regional Council, be responsible for the maintenance of Law and order in the Region.
- (f) settle disputes on matters of jurisdictions or competence falling within the Council's territorial limits.
- (g) co-ordinate, where and when necessity arises, the activities of the Districts in his Region.

In case of absence or incapacity of the Chairman of the Regional Council he shall be temporarily replaced by any senior Council Member appointed by order of the Secretary.

Article 8

The Regional Council

1. The Regional Council shall be established by decree of the President of the Supreme Revolutionary Council on the proposal of the Secretary.

2. The Regional Council shall be composed of:

- (a) the Chairman.
- (b) all the Regional Heads of Ministerial Departments or organs who shall be ex-officio members.
- (c) all the Chairmen of District Councils in the Region or their representatives.
- (d) one representative from each of the Districts of the Region to be selected by the respective District Councils from among the Community representative members of the District Council.

Article 9

The Regional Executive Secretary

The Executive Secretary of the Regional Council shall be appointed by decree of the President of the Supreme Revolutionary Council on the proposal of the Secretary. He shall:

- (a) run the Administration of the Council including control over the staff and Council finances.
- (b) act as secretary in Council meetings, and
- (c) exercise any other administrative duties that may be assigned to him from time to time by the Council or the Chairman.

Article 10

District Councils

1. Each District shall have a District Council established by decree of the President on the proposal of the Secretary having heard the competent Regional Council.

2. District Councils shall be classified on the bases of their areas, economic and social conditions into three sliding categories:

<i>Category</i>	<i>Number of members</i>
A	17
B	13
C	9

3. A District Council shall be composed of:

- (o) the Chairman of the District Council.
- (b) all the Heads of the *Ministerial Departments or other state organs* established in the District who shall be *ex-officio members*.
- (c) the Community Representatives of the District appointed by decree of the Secretary on the recommendation of the Regional Council. The number of District Community Representatives shall be determined by decree of the Secretary on the basis of the classifications laid down under paragraph 2 of this Article.

Article 11

Village Councils

1. Village Councils shall be established by the order of the Regional Council on the proposal of the District Council territorially competent. They shall be composed of Community Representatives selected annually by the general meeting of the permanent residents of the village.

The number of members of Village Councils shall not exceed seven persons.

2. The Chairman of a District Council shall on the advice of the Village Council appoint a Chairman, treasurer and Secretary from among numbers of the Village Council.

Article 12

The District Council Chairman

1. The District Council Chairman, hereinafter called the Chairman shall be the first representative of the Central Government in the District and by virtue of his status, he shall be local supervisor of all the public servants in the District. He shall also be responsible to the Regional Council for the good administration of the District.

For this purpose, the Chairman shall:

- (a) be responsible in collaboration with the District Council for the promotion of socio-economic and political development of the District under his jurisdiction as well as the wellbeing of the local population, in accordance with the policy and plan of the Government.
- (b) supervise over public servants and report their respective duties and performance to the Chairman of the Regional Council.
- (c) convene and preside over the District Council meetings and ensure the execution of its resolutions.
- (d) enforce state Laws and regulations within his competence and implement the decisions and orders of the Regional Council pertaining to the District.
- (e) ensure the maintenance of Law and orders in the District and implement the Government policy.

2. Where a District Council Chairman is absent from duty, his functions shall be temporarily exercised by any senior Council member appointed by the order of the Regional Council Chairman.

Article 13

The District Executive Secretary

Each District Council shall have an executive Secretary who shall be appointed by decree of the Secretary. In addition to the function delegated to him under the local Government staff regulations, he shall:

- (a) be responsible for the proper execution of the policies laid down by the Council subject to the provisions of this Law.
- (b) run the Administration of the Council including control over the staff and Council finances, subject to the Council directives.
- (c) act as secretary in Council meeting, and
- (d) exercise any other Administrative function that may be assigned to him from time to time by the Council or by the District Council Chairman.

Article 14

Qualification of Council Members

Nominated Members of the Regional and District Council shall possess the qualification set out in schedule one attached to this

Article 15

*Transfers, suspensions and revocation of appointment of the
Regional and District Council Chairman*

The Chairman of the Regional Council may be transferred, suspended from duty or removed from office by decree of the President of the Supreme Revolutionary Council on the proposal of the Secretary.

The Chairman of the District Council may be transferred, suspended from duty or removed from office by decree of the President on the proposal of the Secretary having heard the Regional Council.

Article 16

Term of Office of Council Members

1. The duration of membership of the representative members of the Regional and District Council shall be two years. However, for the purpose of continuity and maintenance of good local Government any appointed member may be eligible for reappointment.

2. A Regional or District Councillor may be suspended or removed from office following the procedure laid down for his appointment.

3. If the seat of an appointed member in a Regional or District Council is declared vacant it shall be filled in accordance with the provisions of Article 8 and 10 of this Law.

Article 17

Oath

1. A Regional or District Councillor, on assuming office, shall take the following oath before the competent President of the Regional or District Court:

« I do swear in the name of God that I will abide loyally by the Laws of the Somali Democratic Republic and will fulfil the duties of my Office with diligence and zeal in the sole interest of my country and my people ».

CHAPTER III.

**RESPONSIBILITIES, FUNCTIONS AND POWERS OF THE
REGIONAL AND DISTRICT COUNCIL**

Article 18

Responsibilities of the Regional Council

1. The Regional Council shall be responsible for the development of the local Government institutions in the Region and shall ensure that its services are performed by the District Councils in the Region in the best interests of the people and that such services are of the highest standard possible and in conformity with the national policy of the Government. To this end the Council shall:

- (a) formulate policies for the exercise of the efficient fulfilment of its duties and functions.
- (b) provide such services within its territorial limits as may be required by Law and such other legally permissible services which may be in the interests of the Local population.
- (c) make adequate financial provisions for the proper execution of the duties and functions of the Council.
- (d) carry out administrative functions and services on behalf of the Ministeries and Autonomous Agencies.
- (e) exercise supervisory authority over District Councils within its territorial limits.
- (f) delegate to District Councils any of its powers.

2. Members of the Council shall be collectively and personally responsible for their activities and the decisions of the Council.

Article 19

Powers of the Regional Council

In the discharge of its responsibilities, the Regional Council shall have the following powers:

- (a) to incur the necessary expenditure arising from the Performance of its functions;
- (b) to make, alter or revoke local regulations or orders.

- (c) to approve its own annual budget and the budgets of the District Councils within its territorial limits subject to the provisions of the financial Laws and regulations of the State.
- (d) to supervise collection of such rates, taxes and fees as are imposed by this Law or any other Law or regulations;
- (e) whenever, the public interest so requires to request competent authorities to acquire property by expropriation within the limits established by Law.
- (f) to exercise supervision, carry out inspections and exercise any other lawful powers as may be necessary for the proper implementation of its functions.
- (g) give its opinion on Government policies in so far as it affects the Region, or any other matter referred to it for comments and advise by the Central Government.
- (h) execute its decisions unless they are revoked or suspended by the Secretary or the Council of Secretaries.

Article 20

Competence of District Councils

1. District Councils shall have all the powers conferred upon them by their decrees of establishment and the provisions of this Law and any other Law or regulations.
2. District Councils may also exercise the functions delegated to them by the Regional Council territorially competent.

CHAPTER IV.

ORGANISATION OF COUNCILS

Article 21

Appointment for Committees

1. Each Regional or District Council shall appoint the following statutory Committees:
 - (a) Economic Development Committee which will be charged with the function of promoting economic development through the implementation of economic projects and selfhelp schemes. The Committee shall also stimulate commerce and trade;

CHAPTER V.

FINANCES AND PROPERTY OF LOCAL COUNCILS

Article 28

Property of Local Councils

1. Property belonging to local councils is State property. While disposing of this property local councils discharge the state function.

2. With a view to discharge their normal functions, local Councils may:

- (a) run enterprises, or juridical bodies and manage properties which fall within their jurisdiction.
- (b) sell or purchase property; build new enterprises and other undertakings; and enter into business transactions of any kind within their respective localities.

Article 29

Budget of Local Councils

1. The budget of Regional or District Councils are part and parcel of the unified State budget of the Somali Democratic Republic and represent the financial foundation of Local Councils.

Local Government Budgets shall be prepared in conformity with the Development Programme of the given Region, District or the Country as a whole.

2. Each Regional or District Council is empowered to:

- (a) prepare respectively Regional and District Budgets.
- (b) approve statement of accounts at the end of the fiscal year.
- (c) reserve at the beginning of the year an estimated amount of cash in order to cover its expenditure pending the collection of its revenue. The amount to be utilised for this purpose shall be fixed by the Ministry of Finance while considering the Local Government Budgets for the new financial year.
- (d) The Regional Councils shall be entitled both to grant short-term loan from their budget to District Councils.

3. Before the beginning of each year, the Regional Council and the District Council in conformity with the procedure established by the Ministry of Finance shall cause to be prepared:

- (a) Estimates of all revenue and expenditure in respect of that year.
- (b) A report on the said estimates.

4. Budget estimates of District Councils shall be submitted to the Regional Council for approval not later than 30th September of each year.

5. The Regional Council shall submit its estimates, the report and the statement as approved by it to Ministry of Finance through the Secretary for approval and incorporation into State Budget not later than 31st October, of each year.

6. The estimates shall be prepared in the form required by the Ministry of Finance and in accordance with its instructions.

7. Every Ministry shall be given the opportunity to scrutinise that part of the Regional Council's Budget estimates pertaining to its functions before it has been approved.

8. Upon approval of the State Budget, the estimates shall become the approved budget of the Regional Council for the year and the Council shall, from the first day of January of that year proceed with the approved budget.

9. If it appears to a Regional Council during any financial year that there is a need to submit Revised Estimates of Expenditure, the Council shall submit the Revised Estimates to Ministry of Finance.

10. If it appears to a District Council during any financial year that there is a need to submit Revised Estimates of Expenditure the District Council shall submit the Revised Estimates to the Regional Council for approval.

Article 30

Revenue

1. The items of revenue of Regional or District Councils shall be the following:

- i) local fees and taxes authorised by the Laws and decrees of the Central Government.
- ii) Deductions of profit and other payments from the enterprises and bodies which fall under their jurisdiction as well as the proceeds from selling their property.

2. In case Regional and District Councils fail to cover all the expenditure from their own resources of revenue the Ministry of Finance may, while considering their budgets for a new financial year, fix a quota to be deducted from the taxes and fees due to the Central Government and be utilised by the Local Councils themselves.

3. The Regional and District Councils may borrow funds by way of mortgage, overdrafts, issue of stock or any other method provided that the purpose for the loan is clearly indicated and the approval of the Secretary for Interior and Secretary for Finance are obtained.

Article 31

Expenditure

The items of expenditure of Regional and District Councils shall be the following:

1. Financing of all appropriate local services which falls under the jurisdiction of the Council.
2. The establishment of new enterprises, co-operatives and other undertakings within their bounds.
3. The maintenance of the public education and health institutions the promotion of culture, sports, veterinary, irrigation and provision of other public facilities.
4. The maintenance of Local Government Councils including Village Councils.
5. Local Capital investments.

Article 32

Accounts of Councils

The Regional Council and the District Council shall cause proper accounts to be kept in such a manner as shall show all the financial transactions of the Councils in appropriate detail. In particular:

- i) The Regional Council and the District Council shall show all the financial transactions of the Council in appropriate detail.
- ii) The accounting procedure, the number and the form of statements to be submitted by local councils as well as the time limits for the preparation of final statement of accounts shall be established by the Ministry of Finance.

- iii) The Law on the financial and accounting procedure of the State shall as far as possible apply to the preparation and to the Audit of the Accounts of Regional and District Council.

Article 33

Control and Audit of the Budget of Local Councils

1. The control over the revenue collection and proper current expenditure in conformity with the Budget provisions of District Councils shall be exercised by the Financial Department of the Regional Council while the Regional budget implementation shall be controlled by the Ministry of Finance.
2. The accounting records relating to revenue and expenditure provided by the local Councils Budgets shall be audited by the Magistrate of Accounts not less than once a year.

CHAPTER VI.

MISCELLANEOUS AND FINAL PROVISIONS

Article 34

Travelling and Sessional Allowance for Council Members

1. Membership in the Regional and District Councils shall be voluntary and no member shall be paid any remuneration or reward for any work he performs for the Council.
2. The members referred in paras (c) of Article 8 and (b) of Article 10 shall however be entitled to an allowance to cover their travelling and incidental expenses incurred as a result of their attendance at Council meetings provided that their residence is outside the Regional or District Headquarters.
3. The travelling and subsistence allowance provided under the preceding paragraph shall be paid from the Council's funds.

Article 35

Central Government Supervision

In addition to the General Supervisory powers of the Secretary of State for Interior, any Secretary of State or Head of a Public body shall, within the limits of his competence, exercise the power of control and inspection over the activities of Local Councils

PART 1

**Qualifications and Disqualifications of Appointed
Members in Regional Councils and District Councils**

1. Any Somali Citizens who:
 - (a) is 18 years of age and above;
 - (b) is public spirited, progressive minded and in line with the declared Socialist Policy of the State;
 - (c) is of high moral integrity and with physical and mental fitness;
 - (d) possesses a sense of leadership;
 - (e) is acceptable to the people of the Region or District concerned.

Shall be eligible to be appointed as a member in a Regional Council or a District Council.

2. In addition to the other individual qualifications in the preceding paragraph, at least one-third of the community representatives in a District or a Regional Council shall have to be sufficiently literate in one of the Official Languages.

3. The following persons shall be disqualified from appointment to a Regional or a District Council:

- (a) A person who does not possess any of the qualification set out in paragraph (1) and (2) of this schedule;
- (b) Discharged bankrupts or persons whose property is subject to a composition or arrangement with creditors;
- (c) Persons who have within the previous 5 years been sentenced to a term of imprisonment for a period of not less than 3 months for corruption or any offence connected with immorality;
- (d) Persons who are a party to or a partner of a person who is a party to a subsisting contract with a Council unless they have disclosed to the Secretary the existence and nature of such contract and of their or their partner's interest and the Secretary has consented to their appointment;
- (e) A person who fails to take the Oath of allegiance as prescribed under Article 21 of this Law.

4. A person appointed to be a member of the Regional or District Council shall, before attending any meeting or acting as a member of the Council or of any Committee thereof, sign and send to the Chairman of the Regional Council or the Executive Secretary of the Council a Declaration that:

- (a) He possesses all the qualifications set out in Part 1 of this schedule;
- (b) He accepts appointment as a member in the Council;
- (c) He will faithfully perform the duties of the Office;
- (d) He has no direct or indirect interest in any subsisting contract with the Council.

PART 2

Vacation of Seats in Regional and District Councils

1. The seat of an appointed member shall become vacant in any of the following events:

- (a) upon his death;
- (b) if, without justification he fails to attend three consecutive meetings of the Council or of any Committee thereof, of which he is a member;
- (c) if he resigns from membership of the Council; and
- (d) if, before the first meeting of the Council after his appointment as member of the Council he fails to make declaration in accordance with para (4) of Part 1 of this Schedule.