

Art. 70

Regolamenti municipali

Nell'ambito della Legge n. 19 del 1963, del presente Regolamento e degli altri Regolamenti in esso previsti, le Amministrazioni Municipali possono adottare, a mezzo dei rispettivi Consigli e con l'approvazione dell'Autorità Tutoria, Regolamenti municipali di organizzazione, di esecuzione ed autonomi.

Art. 71

Entrata in vigore

Il presente Regolamento entra in vigore il giorno successivo a quello della sua pubblicazione nel Bollettino Ufficiale.

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DECREE OF THE MINISTER OF INTERIOR

31 October 1965, No. 277.

Regulations for the implementation of Law No. 19 of 14 August 1963 on local Administrations.

THE MINISTER

HAVING SEEN Article 85 of the Constitution;

HAVING SEEN Article 12 of Law No. 14 of 3 June 1962 on the Organization of the Government;

HAVING SEEN Law No. 19 of 14 August 1963 on Local Administrations;

CONSIDERING the necessity to issue regulations for the implementation of Law No. 19 of 14 August 1963;

BY VIRTUE of the powers conferred on him by Article 51 of the said law;

HAVING HEARD the Council of Ministers;

DECREES:

Article 1

It is hereby approved the attached general regulation of execution concerning Law No. 19 of 14 August 1963 on «Local Administrations».

Article 2

The above mentioned regulation goes into force, according to Art. 71, one day after its publication on the Official Bulletin of the Somali Republic.

Mogadishu, 31 October 1965.

THE MINISTER
Abdulcadir Mohamed Aden

**REGULATIONS FOR THE IMPLEMENTATION OF LAW No. 19 OF
14 AUGUST 1963 ON LOCAL ADMINISTRATIONS**

Part I — GENERAL PROVISIONS

Article 1

Juridical Nature of Local Administrations

Local Administrations, referred to in Law No. 19 of 14 August 1963, shall be territorially autonomous body with juridical personality, established in the whole territory of the Republic for the purpose of achieving the aims and exercising the administrative and regulatory powers provided by law.

Article 2

Establishment, Modification and Abolition of Local Administrations

1. Local Administrations shall be established by decree of the President of the Republic, on the proposal of the Minister of Interior, having heard the Council of Ministers. The decree shall specify the name and territorial jurisdiction of each Local Administration.

2. The modification, merger, incorporation or abolition of any Local Administration may be effected following the same procedure.

3. Before proposing the measures referred to in the preceding paragraphs, the Minister of Interior may hear the Regional Governors territorially competent, or elicit the opinion of the local representatives of the populations concerned, through the Local Administration Department of the Ministry.

Article 3

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Classification of Local Administrations

1. Local Administrations shall be divided into four classes, according to their respective location and the importance of the public offices located therein:

- Class A: Local Administration of Mogadiscio;
- Class B: Local Administrations whose offices are located in Regional Headquarters;
- Class C: Local Administrations whose offices are located in District Headquarters;
- Class D: Other Local Administrations.

2. The Minister of Interior, having heard — if necessary — the opinion of the Regional Governor or the local representatives of the population in accordance with the preceding art. 2 (3), may, by decree, classify a Local Administration belonging to Class C or D in the next higher Class, where he deems it advisable having regard to the population, area, economic importance and financial position of the Local Administration concerned.

Article 4

Responsibilities of Local Administrations

For the purpose of achieving their institutional aims, Local Administrations may lay down programmes, set up public services, take financial and administrative measures, according to law, through their own organs, in compliance with the general directives and under the supervision of the Supervisory Authority.

Article 5

Mandatory and Optional Functions of Local Administrations

1. All Local Administrations shall perform the mandatory functions referred to in Art. 8 of Law No. 19 of 1963.

2. Subject to the approval by the Supervisory Authority, Local Administrations may perform the functions referred to in Art. 9 of Law No. 19 of 1963.

Powers of Local Administrations

Within their respective jurisdictions, Local Administrations shall have the power to issue regulations, take administrative measures and levy rates, taxes and fees under the terms of, and within the limits established by Articles 10, 30, 31 and 49 of Law No. 19 of 1963.

Article 7

Organization of Local Administrations

1. The organs of the Local Administrations shall be:
 - a) the Local Council;
 - b) the Chairman and Vice-Chairman of the Local Council,
 - c) the Local Administration Committees.

2. The composition, procedure and functioning of the above organs shall be governed by the provisions of Parts II, III and IV of these Regulations.

3. Executive functions and internal control shall be exercised by the Local Administration Offices, established in each Local Administration under the terms of Part V of these Regulations.

Article 8

Supervisory Authority

1. The Minister of Interior shall exercise supervision over all Local Administrations, in the manner prescribed by Part VIII of these Regulations.

2. The Minister may, by decree, appoint as Supervisory Authority of any Local Administration, the Regional Governor or District Commissioner territorially competent; provided that the audit of Local Administration budgets and accounts shall, according to law, be within the competence of the Minister.

Part II — www.somalilandlaw.com
THE LOCAL COUNCIL

Article 9

The Local Council

1. The Local Council shall be the principal organ representing the Local Administration and shall be competent to make decisions relating to Local Administration.

2. The Local Council shall be elected by the citizens residing within the Local Administration area, whose votes shall be free, direct, equal and secret, as prescribed by law.

Article 10

Composition of the Local Council

1. The Local Council shall consist of:

- 25 Members, in Local Administrations belonging to Class A;
- 21 Members, in Local Administrations belonging to Class B;
- 15 Members, in Local Administrations belonging to Class C;
- 11 Members, in Local Administrations belonging to Class D.

2. A Local Council may co-opt, as additional non voting members, one or more experts, provided that their number shall not exceed one-quarter of the total number of the Councillors.

Article 11

Term of Office

1. The term of office of Local Councils shall be four years, beginning from the date of the elections. A Local Council, however, may be dissolved before the end of its term of office, in the cases provided for in Part IX of these Regulations.

2. Where the electoral results are not published before the expiry of the four-year period, the outgoing Council may, as a transitional measure, continue to exercise its functions with regard to day-to-day administration.

Function of the Local Council

1. The Local Council shall, within the Local Administration, exercise the functions pertaining to its capacity as representative and decision-making organ of the Local Administration.
- * 2. In particular, the Council shall:
 - a) elect the Chairman, the Vice-Chairman and the members of the Local Administration Committees;
 - b) approve the estimated budget and annual accounts of the Local Administration;
 - c) approve the Local Administration Regulations;
 - d) prepare plans and programmes for the carrying out of the administrative activities;
 - e) authorize or ratify administrative measures which are not within the competence of the Chairman or Local Administration Committees;
 - f) exercise control over the activity of the Chairman, Vice-Chairman, or Local Administration Committees;
 - g) perform any other function attributed to it by law or Regulations.

Article 13

Meetings of the Local Council

1. The first meeting of a Local Council shall be convened by the Supervisory Authority within thirty days from the date of publication of the electoral results.
2. The other meeting shall be convened by the Chairman on his own initiative at least once every month, or at the request of at least one-third of the Councillors.
3. Notice for the meetings containing the agenda thereof shall be posted by the Executive Secretary — upon instructions of the Chairman — in the Local Administration notice board or shall be served on the Councillors at least ten days before the day of the meeting. In case of urgent necessity, the above period may be reduced to twentyfour hours, and any appropriate means may be used to convene the meeting. No such notice as referred to above shall be required in cases where the Council decides to reconvene at a certain day and time.

4. Meetings of the Local Council shall be presided over by the Chairman; in case of absence or inability of the Chairman, by the Vice-Chairman; in case of absence or inability of the Vice-Chairman by the oldest Councillor in age. The Executive Secretary shall act as the Secretary of the meeting; in case of absence or inability of the Executive Secretary, the Secretary of the meeting shall be the Deputy Executive Secretary or his substitute according to the provisions of Article 42 of these Regulations.

5. Meetings of the Local Council shall be open to the public. Provided that the Chairman may, for reasons of public order, morals or health, order that such meetings be held «in camera». The order shall state the grounds thereof and shall be included in the records of the meeting.

Article 14

Quorum for Meeting and Decisions

1. The quorum for meetings of the Local Council shall be one-half of the Councillors.

2. Decisions of the Local Council shall be taken by the vote of the majority of those present, except in cases where a special majority is prescribed by law or regulations.

3. The vote shall be open, unless the Council decides, by a simple majority, that the vote shall be secret. Votes for the election of the Chairman, Vice-Chairman and members of the Local Administration Committees, and votes on matters concerning financial responsibility shall always be secret.

Article 15

Records of Meetings

1. Records of each meeting of the Local Council shall be prepared by the Executive Secretary. The records shall be signed by the Chairman and the Secretary.

2. The records of meetings of the Local Council shall include the names of the persons present and those absent, a true summary report of all discussions and interventions, as well as the complete text of all decisions and approved motions.

3. Records shall be approved and, where necessary, amended, by the Council at the end of the meeting or during the next meeting.

4. Not later than fifteen days after their approval, copies of the records shall be sent, by the Executive Secretary, to the Supervisory Authority and posted in the Local Administration notice board for at least seven days. All persons residing within the Local Administration area may at any time peruse the records and obtain copies thereof.

Article 16

Juridical Status and Conditions of Service of Local Councillors

1. Local Councillors shall be honorary officers of the Local Administrations.

2. Local Councillors shall be entitled to an attendance allowance for each meeting of the Local Council or Local Administration Committees in which they participate. Where their residence is outside the town limits, they shall also be entitled to a travel allowance, which may be cumulated with the attendance allowance. The amount of such allowances shall be established by the Council and approved by the Supervisory Authority.

3. A Local Councillor may be suspended from office where criminal proceedings are instituted against him for a crime in respect of which interdiction from public offices may be imposed as an accessory penalty, or where the party injured is the Local Administration. He shall be removed from office in case of conviction for any of the above crimes or for reasons of supervening ineligibility or incompatibility under the law.

4. Where a matter directly concerns a Local Councillor, the said Councillor shall abstain from voting on such matter. The Chairman shall be competent to decide on the abstention.

5. A Local Councillor who fails to attend more than four consecutive meetings of the Local Council without justification, or fails to carry out the duties pertaining to his office, may be removed from office by a vote of the absolute majority of the Councillors. In this case, the provision of Article 62 of Law No. 19 of 14 August 1963 shall apply.

Part III — THE CHAIRMAN OF THE LOCAL COUNCIL

Article 17

The Chairman of the Local Council

1. The Chairman of a Council shall be the head and First Citizen of the Local Administration.

2. He shall be elected by the Local Council; shall hold office for a period of two years from the date of election; and shall be eligible for re-election.

3. Within the territorial jurisdiction of the Local Administration, the Chairman of a Local Council shall be deemed to be a civil servant, for purpose of public order and security.

Article 18

The Vice-Chairman

1. The Vice-Chairman shall be the substitute of the Chairman within the Local Administration.

2. He shall be elected by the Local Council immediately after the election of the Chairman; shall hold office for a period of two years from the date of election; and shall be eligible for re-election.

Article 19

Elections

1. At its first meeting, the Local Council, provisionally presided over by the oldest Councillor in age, shall elect separately the Chairman and the Vice-Chairman.

2. Elections shall be by secret ballot, and the quorum shall be the simple majority of those present. The Councillor who has received the highest number of votes shall be declared elected as Chairman and Vice-Chairman respectively.

3. Where two or more Councillors obtain an equal number of votes, a second ballot shall be held. Where the second ballot is similarly inconclusive, the Chairman or Vice-Chairman shall be chosen by lot from among the Councillors who have received the highest number of votes.

4. New elections shall be held, following the same procedure, at the first meeting of the Council following the expiry of the term of office of the Chairman and Vice-Chairman. Until the election of their successors, the Chairman and Vice-Chairman shall remain in office.

5. A Chairman may be removed from office at any time by a no-confidence motion, stating the grounds therefor, proposed by at least one-third and approved by at least two-thirds of the Councillors. This provision shall apply also to the Vice-Chairman.

Article 20

Functions of the Chairman and Vice-Chairman

1. The Chairman shall perform the functions pertaining to his capacity as Head of the Local Administration. As such, he shall:

- a) represent the Local Administration in ceremonial occasions, in judicial proceedings, and in any other external matter.
- b) convene and preside over meetings of the Local Council;
- c) prepare plans and programmes of the Local Administration;
- d) be «ex-officio» Chairman of all Local Administration Committees and coordinate the activities of such Committees and Local Administration Offices;
- e) perform any other function attributed to him by Law or Regulations.

2. The Chairman of the Local Council shall also perform the duties pertaining to his capacity as a civil servant, in all matters relating to public order and security. In such capacity, he shall:

- a) follow the instructions and carry out the orders issued by the Minister of Interior;
- b) refer any information relating to this matter to the Minister of Interior, through the proper channel;
- c) **exercise any other power provided for by the Public Order Law.**

3. The Vice-Chairman shall assist the Chairman in the carrying out of the functions referred to in para (1) above, and replace him in case of absence or inability.

Article 21

Extraordinary Powers of the Chairman

1. In cases of urgent necessity, and where it is not possible to convene a meeting of the Local Council, the Chairman may, where possible in consultation with the Executive Secretary, and as a provisional measure, exercise the functions of the Council. Any action taken by the Chairman under the terms of this paragraph shall be reported to the Council, for necessary ratification, at the next following meeting.

2. The Chairman shall not exercise the extraordinary power referred to in the preceding paragraph in respect of elections, confidence motions, approval of the estimated budget and annual accounts.

Article 22

Juridical Status and Conditions of Service of the Chairman and Vice-Chairman

1. The Chairman and Vice-Chairman shall be honorary officers of the Local Administration.

2. The Chairman shall be entitled to a representation allowance, the amount of which shall be established by the Local Council and approved by the Supervisory Authority. Such allowance may be cumulated with the emoluments provided for in Article 16 (2) of these Regulations in respect of Local Councillors.

3. A representation allowance, which may be cumulated with the emoluments due to Local Councillors, may also be granted to the Vice-Chairman, following the same procedure.

4. The provisions of Article 16 (3) and (4) concerning the suspensions and removal from office shall apply also to the Chairman and Vice-Chairman.

Part IV — LOCAL ADMINISTRATION COMMITTEES

Article 23

Local Administration Committees

1. The Local Administration Committees shall be organs of the Local Administration, dealing with specific matters and making decisions thereon, or operating in specific areas, established for the purpose of implementing the plans and programmes laid down by Local Councils.
2. Such Committees shall be divided into:
 - a) *Administrative Committees*, dealing with specific administrative matters;
 - b) *Area Committees*, established for the purpose of decentralizing the functions of the Council in the different zones of the Local Administration area.

Article 24

Administrative Committees

1. The following Administrative Committees shall be established in each Local Administration:
 - a) *Finance Committee*, dealing with the preparation of the estimated budget and annual accounts, audit of accounts, and finances of the Local Administration;
 - b) *Staff Committee*, dealing with matters relating to the Local Administration staff and their conditions of service.
2. In addition to the above Committees, a Local Administration may — and, if the Supervisory Authority so directs, shall — establish by Regulations other Administrative Committees for achieving the institutional aims of the Administration.

Article 25

Area Committees

1. A Local Administration may — and, if the Supervisory Authority so directs, shall — divide the territory under its jurisdiction into two or more zones and establish an Area Committee for each zone.

2. Each Area Committee shall operate according to the powers delegated to it by the Local Council within the respective territorial limits.

Article 26

Composition of Committees

1. The Committees shall be presided over by the Chairman of the Local Council and shall consist of Local Councillors and additional members of the Local Council, appointed by the Council. The members of a Committee shall be not less than five and not more than ten. An Area Committee shall consist of all the Local Councillors residing in the zone.

2. Each Committee, at its first meeting, shall elect its Vice-Chairman, following the procedure laid down in Article 19 of these Regulations for the election of the Chairman of the Local Council.

3. The Executive Secretary shall be the Secretary of the Committees; in the case of absence or inability of the Executive Secretary, the Deputy Executive Secretary or his substitute according to Article 42 of these Regulations, shall act as Secretary.

Article 27

Additional Members

1. A Committee may invite experts to participate in its meetings, as additional non-voting members. The number of such additional members shall not exceed one-third of the regular members.

2. In addition to the experts referred to in the preceding paragraph, citizens residing in the zone may be invited to participate in the meetings of an Area Committee, whenever their attendance is deemed advisable.

Article 28

Meetings of the Committees

1. The first meeting of the Committee shall be convened by the Chairman within thirty days from the date of establishment of the Committee.

2. The other meetings shall be convened by the Chairman of the Committee on his own initiative or at the request of at least one-third of the members. A meeting of the Finance Committee and Area Committee shall be held at least once a month; other Committees shall meet at least once every two months.

3. Meetings of the Committees shall be convened in the manner prescribed by Article 13 (3) of these Regulations for meetings of the Local Council.

4. Meetings of the Administrative Committees shall not be open to the public. Meetings of the Area Committees shall be open to the public, except as otherwise provided in Article 13 (5) of these Regulations.

Article 29

Quorum for Meetings and Decisions-Records of Meetings

The quorum for meetings and decisions of the Committees, and the preparation, approval, transmission and posting of the records of meetings, shall be governed by the provisions of Article 14 and 15 of these Regulations.

Part V — LOCAL ADMINISTRATION OFFICES

Article 30

Local Administration Offices

Local Administration Offices referred to in Article 7 (3) of these Regulations shall be divided into:

- a) Administrative Offices;
- b) Advisory Offices;
- c) Control Offices.

Article 31

Administrative Offices

1. The Administrative Offices of the Local Administration shall be:

- a) the Office of the Executive Secretary;
- b) the Public Health Office;
- c) the Technical Office;
- d) the Registry Office;
- e) any other office dealing with active administration.

2. The Office of the Executive Secretary shall be established in all Local Administrations. It shall deal with all matters concerning the Local Administration which, according to Law or Regulations, are not within the competence of other Local Administration organs or offices; shall be responsible for the relations between the Local Administration and the central and local Authorities of the State; shall draft the Local Administration Regulations, and other acts and measures of the Administration; shall prepare the records of meetings and the text of the decisions; shall coordinate the Local Administration services; and look after the administrative matters relating to the Local Administration staff to in Article 39 of these Regulations.

3. Local Administrations may, by their own Regulations, establish the other Offices referred to in paragraph (1) of this Article, according to their respective needs.

Article 32

Advisory Offices

Local Administrations may, by their own Regulations, establish advisory Committees, Boards or other special offices, either temporary or permanent, according to their respective needs.

Article 33

Control Offices

1. Control Offices shall include:

- a) the accounting and budget office;
- b) any other office or inspectorate performing special control duties.

2. The accounting and budget office shall be established in all Local Administrations belonging to Class (A) or (B); it may be established in Local Administrations belonging to other Classes. Such office shall keep true and accurate accounts of all financial transactions relating to the conduct of the Administration's activities; shall prepare and verify payment vouchers; shall prepare the draft estimated budget and annual accounts to be submitted to the Finance Committee; shall prepare and keep up-to-date the inventory of the Administration's property.

3. Local Administrations may, by their own Regulations, establish the other offices referred to in para 1 (b) of this Article, according to their respective needs.

Local Administration Services

1. Local Administrations may — with the approval of the Supervisory Authority — establish, maintain and operate such public utility services as may be necessary within their territorial limits.
2. A Local Administration shall perform the function referred to in the preceding paragraph, if so directed by the Supervisory Authority.

Article 35

Local Administration Undertakings

1. Local Administrations may, by their own Regulations and with the approval of the Supervisory Authority, establish special Undertakings for the purpose of providing the public services referred to in the preceding article.
2. Local Administration undertakings shall not have juridical personality; they shall be autonomous bodies, with a separate budget attached to the budget of the Local Administration.

Article 36

Hierarchical Responsibility

The Executive Secretary shall be the head of all Local Administration Offices, excepting the Local Administration undertakings referred to in the preceding article.

Article 37

Supervision

The Chairman of the Local Council shall exercise supervision over all Local Administration Offices and their staff.

Part VI — LOCAL ADMINISTRATION STAFF

Article 38

Administration Staff

The Local Administration staff shall include:

- a) Civil servants assigned to the Local Administrations, under the terms of Article 39 of these Regulations;
- b) Local Administration officers and employees, referred to in Article 40 of these Regulations.

Article 39

Civil Servants Assigned to Local Administrations

1. Civil servants assigned to the Local Administrations shall be included in a special Category established in the Ministry of Interior by decree of the President of the Republic.
2. The special Category shall include:
 - a) the Executive Secretary;
 - b) the Deputy Executive Secretary;
 - c) the Heads of Service.
3. The appointment, assignment, transfer and termination of service of such personnel shall be effected by Decree of the Minister of Interior.

Article 40

Local Administration Staff

1. The Local Administration staff shall be included in a category established in each Local Administration by a decision of the Local Council approved by the Supervisory Authority.
2. Appointments, termination of service, and any other measure relating to the said staff shall be adopted by the Executive Secretary upon a decision of the competent Staff Committee.

Executive Secretary

1. The Executive Secretary shall be the Head of all Local Administration offices and shall be responsible for the proper functioning of such offices to the Local Council and the Supervisory Authority.

2. He shall participate, in his capacity as Secretary, in the meetings of the Local Council and Committees, and shall have the right to speak, in an advisory capacity. He shall prepare the records of meetings, issue copies thereof, and provide for their posting and transmission to the Supervisory Authority. He shall be in charge of the compilation of Laws, Regulations, decisions and other documents concerning the Local Administration, and perform any other function attributed to him by Law or Regulations.

3. The Executive Secretary shall be the Head of the Staff belonging to any category whatsoever. In such capacity he shall:

- a) make proposals to the Municipal Department of the Ministry of Interior, in respect of measures concerning civil servants assigned to the Local Administration;
- b) take all measures relating to the Local Administration staff, according to the provisions of paragraph (2) of the preceding article.

Article 42

Deputy Executive Secretary

1. The Deputy Executive Secretary shall assist the Executive Secretary, and be his substitute in case of absence or inability of the latter.

2. In case of absence or inability of the Deputy Executive Secretary, his functions shall be exercised by an officer designated by the Executive Secretary.

Article 43

Head of Service

1. The Heads of Service shall manage the business of the Offices of which they are in charge, and shall be responsible therefor to the Executive Secretary, the Local Council and the Supervisory Authority.

2. In case of absence or inability of a Head of Service, his functions shall be exercised by an officer designated by the Executive Secretary, having heard — where possible — the Head of Service concerned.

Article 44

Subordinate Staff

The subordinate staff shall carry out the duties assigned to them in the Local Administration offices, and shall be responsible therefor to their superior officers.

Article 45

Juridical Status of Civil Servants Assigned to Local Administrations

1. The juridical status of civil servants assigned to Local Administrations shall be governed by the provisions of Law No. 7 of 15 March 1962 on Civil Service.

2. Salaries and allowances of any nature whatsoever due to any such civil servant shall be paid by the Local Administration to which the civil servant is assigned.

3. Social security, compensation for service-incurred death, illness or injury, pensions and other related benefits, shall be paid by the State.

Article 46

Juridical Status of Local Administration Staff

1. The number of posts, categories, titles, grades, conditions of service and juridical status of the staff shall be established by each Local Administration, by Regulations issued by the Local Council and approved by the Supervisory Authority.

2. The duties and responsibilities of the Local Administration Staff shall be governed by the provisions of Articles 3, 4 and 5 of Law No. 7 of 15 March 1962.

3. Salaries and allowances of the staff, as well as social security, compensations for service-incurred death, illness or injury, pensions and other related benefits, shall be paid by the Local Administrations.

Standar Regulations of the Ministry of Interior

Regulations governing the organization of the Local Administration staff shall comply with the provisions of the Standard Regulations issued by the Minister of Interior having heard the Council of Ministers.

Part VII — LOCAL ADMINISTRATION FINANCES

Article 48

Revenue

The revenue of a Local Administration shall consist of:

- a) proceeds of rates, taxes and fees referred to in Article 30 of Law No. 19 of 14 August 1963, in accordance with Legislative Decree No. 1 of 9th June 1965 and the Regulations for the implementation thereof;
- b) income from immovable and movable property of the Local Administration, in accordance with the provisions of Article 1 (2), Article 2 (d) and (e), and Article 3, of Legislative Decree No. 2 of 29 December 1962 and the provisions of other laws governing this matters;
- c) extraordinary contributions by the State or other public Bodies;
- d) any other property acquired by a Local Administration by law, succession, gift, purchase or transfer.

Article 49

Expenditure

A Local Administration may incur all expenditures necessary for the performance of its functions, in accordance with the estimates of its budget.

Estimated Budget

1. The draft estimated budget of a Local Administration, prepared by the Finance Committee, shall be submitted to the Local Council for approval within:

- a) 1 July of each year, where it shows a deficit or where a grant from the Government is likely to be obtained;
- b) 15 September of each year, in any other case.

2. The draft estimated budget approved by the Council shall be submitted to the Minister of Interior for final approval, in the manner and within the time-limits provided for in Article 57 of these Regulations.

Article 51

Annual Accounts

1. The annual accounts of a Local Administration, prepared by the Finance Committee in collaboration with the audit organs, shall be presented to the Local Council for approval within 15 February of the year following the year to which they refer.

2. The annual accounts approved by the Local Council shall be submitted to the Minister of Interior for final approval, in the manner and within the time-limits provided for in Article 58 of these Regulations.

Article 52

Accounting Procedure

The accounting procedure of Local Administrations shall be governed by separate Regulations.

Part VIII — SUPERVISORY AUTHORITY

Article 53

Functions of the Supervisory Authority

The Supervisory Authority referred to in Article 8 of these Regulations shall exercise supervision over Local Administrations and, for this purpose, it shall:

- a) lay down policies and issue instructions and circulars;
- b) be competent to give prior authorization or subsequent approval of the measures of the Local Administrations;
- c) request clarifications, inspections and inquiries;
- d) use any other means provided by law or regulations.

Article 54

Policies, Instructions, Circulars

1. The Minister of Interior may lay down policies, and issue instructions and circulars, for the purpose of regulating the activity of Local Administrations.

2. If the Minister so directs, the same power may be delegated to the Regional Governors and District Commissioners.

Article 55

Authorization to Perform Optional Functions

The exercise of optional function by Local Administrations, under the terms of Article 10 of Law No. 19 of 1963, shall be authorized, in each case, by the Minister of Interior, on the proposal of the competent Regional Governor.

Article 56

Approval of the Estimated Budget

1. The draft estimated budget of a Local Administration, approved by the Local Council, shall be sent by the Chairman to the Minister of Interior within:

- a) 15 July of each year, where it shows a deficit or where a grant from the Governor is likely to be obtained;
 - b) 30 September of each year, in any other case.
2. Within 31 December of the same year, the Minister of Interior shall approve the draft budget or reject it, returning it to the Local Administration together with the proposed amendments stating the ground therefor.
 3. Where the draft estimated budget is not approved or rejected within 31 December, the Local Council may, as a provisional measure, authorize expenditures in accordance, with the draft, in an amount not exceeding, in each month, one-twelfth of the revenue of the preceding year.
 4. In the course of the financial year, any variation consisting of new expenditures or changes in the heads of expenditure, shall be authorized by the Minister of Interior.

Article 57.

Approval of Annual Accounts

1. The annual accounts of a Local Administration, approved by the Local Council, shall be submitted to the Minister of Interior within 1 March of the year following the year to which they refer.
2. The Minister Interior, shall approve or amend the accounts and shall inform the Local Administration concerned of the results of the audit. Where the Local Administration receives conspicuous grants from the State, the Minister of Interior shall hear the written opinion of the Magistrate of Accounts.

Article 58

Approval of Local Administration Regulations

1. No Local Administration Regulations shall be valid in respect of third parties, unless they have been expressly approved by the Supervisory Authority.
2. The approval referred to in the preceding paragraph may be requested by the Chairman of the Local Council prior to the drafting of the Regulations, or subsequently, on the basis of a complete text of the Regulations.

3. To be valid, the Local Administration Regulations approved by the Supervisory Authority shall mention the approval in a foot note signed by the Chairman and the Executive Secretary.

Article 59

Approval of Acts or Measures Taken by Local Administrations

1. Acts and measures taken by a Local Administration, except those referred to in Articles 56, 57, 58 and 59 of these Regulations, shall be subject to the approval of the Supervisory Authority.

2. The above provision shall not apply to:

- a) elections and confidence or non-confidence motions;
- b) proposals, requests and designations;
- c) certificates and statements;
- d) any other act not establishing, modifying or abolishing any right or duty.

3. The Supervisory Authority shall *expressly* approve all acts involving expenditure exceeding Sh. So. 30,000. The approval may be *tacit* in any other case.

4. Where, after thirty days from the date of receipt of an act, the Supervisory Authority has not expressed its disapproval or asked for clarifications from the Local Administration, the act shall be deemed to be tacitly approved.

5. To be valid, acts and measures subject to the expressed or tacit approval of the Supervisory Authority, shall mention such approval in a foot note signed by the Executive Secretary.

Article 60

Clarifications, Inspections and Inquiries

1. Except as otherwise provided by the preceding articles, the Supervisory Authority may ask for clarifications from a Local Administration on any act done or measure taken by the latter.

2. The Supervisory Authority, where it is satisfied of the gravity of the situation, may at any time order inspections of or inquiries on a Local Administration, its offices, staff, or events occurred within its jurisdiction.

Part IX — DISSOLUTION OF LOCAL COUNCILS

Article 61

Dissolution of Local Council

1. The Minister of Interior may dissolve a Local Council where the Council:

- a) cannot perform its functions;
- b) repeatedly fails — owing to internal disputes or inactivity of its members — to perform the duties imposed on it by law or Regulations;
- c) exceeds or abuses its powers.

2. A Local Council may not be dissolved during the first three months following the proclamation of the electoral results.

Article 62

Procedure for Dissolution

1. The Minister of Interior, having heard the Council of Ministers, may by decree stating the grounds therefor dissolve the Council and appoint a Special Commissioner.

2. Within thirty days from the date of the decree dissolving the Council, any Councillor may file an appeal before the Supreme Court against the decree, on questions of law.

Article 63

Special Commissioner

1. The Special Commissioner shall have all the responsibilities, functions and powers of the Local Council, Chairman and Committees, until a new Council is elected.

2. The emoluments of the Special Commissioner shall be established by decree of the Minister of Interior, and shall be not less than the emoluments of the outgoing Chairman.

Fixing of Elections

1. The Minister of Interior shall, by the same decree dissolving a Local Council and appointing the Special Commissioner or by a subsequent decree, fix the date of election of the new Council.

2. New elections shall take place within six months from the date of the decree dissolving the Local Council, except where, for financial or public order reasons, the Minister deems it necessary to fix a longer period.

Article 65

Final Report

When leaving his office, the Special Commissioner shall submit to the Minister of Interior a complete report of his work.

**Part X — TRANSITIONAL, MISCELLANEOUS AND
FINAL PROVISIONS**

Article 66

Local Administration Staff

Until the entry into force of the Regulations governing the Local Administration staff, the juridical status and conditions of service of such staff shall be governed by the existing legislation, without prejudice to any rights acquired by the employees.

Article 67

Accountancy

Until the entry into force of the new Local Administration Accounting Regulations, the management of Local Administration revenue and expenditures shall be governed by the provisions of the Accounting Regulations of the State, so far as applicable.

Administrative Justice

1. Measures taken by a Local Council, the Chairman or his substitute, and Local Administration Committees, and approved by the Supervisory Authority, shall be final.

2. Hierarchical appeals stating the grounds therefor, against measures adopted by the Executive Secretary, Heads of Service, officers or any other Local Administration office, may be filed by the persons interested before the Chairman of the Local Council, within thirty days from the date of notification. Where, within sixty days from the filing of the appeal, the Chairman has not taken any action, the appeal shall be deemed to be finally rejected.

3. Appeals on questions of law may be filed by the persons interested before the Supreme Court against the final measures referred to in the preceding paragraphs, in the manner and within the time-limits prescribed by the Law on the Organization of the Judiciary.

Article 69

Abrogation

Any provision contrary to or inconsistent with these Regulations is hereby abrogated.

Article 70

Local Administration Regulations

The Local Councils, with the approval of the Supervisory Authority, may issue their own Regulations within the limits of Law No. 19 of 1963, of these Regulations, and of any other Regulations issued hereunder.

Article 71

Entry into Force

These Regulations shall come into force on the day following the date of their publication in the Official Bulletin.