

**THE LOCAL GOVERNMENT (AMENDMENT)
BILL, 2009**

MEMORANDUM

The object of this Bill is to amend the Local Government Act so as to—

- (a) vest the power to employ the staff of councils in the Local Government Service Commission; and
- (b) provide for matters connected with or incidental to the foregoing.

M. MALILA SC,
Attorney-General

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A BILL

ENTITLED

An Act to amend the Local Government Act

- 5 ENACTED by the Parliament of Zambia. Enactment
1. This Act may be cited as the Local Government (Amendment) Act, 2009, and shall be read as one with the Local Government Act, in this Act referred to as the principal Act. Short title
Cap. 281
- 10 2. Section *two* of the principal Act is amended by the insertion in the appropriate place of the following new definition: Amendment
of section 2
- “ Commission ” means the Local Government Service Commission established under section *seven* of the Service Commissions Act; Cap. 259
- 15 3. Section *sixteen* of the principal Act is amended by the deletion of subsections (2) and (3) and the substitution therefor of the following new subsections: Amendment
of section 16
- (2) The mayor, deputy mayor, chairperson or vice-chairperson of a council shall be elected at the first ordinary meeting of the council held immediately after the expiry of the term of office of the preceding mayor, deputy mayor, chairperson or vice-chairperson.
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- (3) A person shall not hold office as a mayor, deputy mayor, chairperson or vice-chairperson of the council for more than one term and where a person has held any such office once a person shall not be elected to that office again until after the expiration of five years from the date on which the person last held such office.
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4. The principal Act is amended by the repeal of section *seventeen* and the substitution therefor of the following new section: Repeal and
replacement
of section 17
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17. The mayor, deputy mayor, chairperson and vice-chairperson of a council shall, subject to the provisions of this Act, hold office for a period of two and a half years from the date of election. Tenure of
office of
mayor, etc
- 35 5. The principal Act is amended by the repeal of Part X and the substitution therefor of the following new Part: Repeal and
replacement
of Part X

PART X

SERVICE WITH COUNCIL

Local Government Service Commission to appoint staff of council	<p>90. The Commission shall —</p> <p>(a) appoint such principal officers, officers and other employees of a council as the Commission considers necessary for the performance of the functions of such council; and</p> <p>(b) discipline any officer or employee of a council.</p>	5
Transfer of staff of council	<p>91. The Commission may transfer any principal officer, officer or other employee of a council from one council to another, on such terms and conditions as the Commission may determine.</p>	10
Secondment of officer etc to another council	<p>92. The Commission may, upon receiving a request from a council, second an officer to that council for such period and on such terms and conditions as the Commission may determine.</p> <p>(2) The Commission may, in accordance with regulations issued by the Commission under section <i>ninety-four</i>, authorise the secondment, to a council, of an officer of the civil service or a statutory corporation.</p>	15 20
Existing officers and other staff of councils	<p>93. Any person who, prior to the commencement of this Act, is employed as a principal officer, an officer or other employee of a council shall continue to hold office in the council after the commencement of this Act as if appointed by the Commission.</p>	25
Regulations	<p>94. (1) The Commission may, with the consent of the President, make regulations governing service with a council and the powers and duties of councils with regard to their principal officers, officers and employees.</p> <p>(2) Without prejudice to the generality of subsection (1), regulations made under this section may provide for—</p> <p>(a) the creation or abolition of any post in a council;</p> <p>(b) the terms and conditions of appointment, promotion, transfer, secondment, dismissal, discharge and discipline of principal officers, officers and other employees;</p> <p>(c) the qualifications for appointment to any post in a council;</p> <p>(d) establishment of a council secretariat under the supervision of the principal officer of the council, the other members of the secretariat, and their functions; or</p> <p>(e) the training of employees, principal officers and officers of a council and the standards for promotion of officers and employees.</p>	30 35 40 45

(3) Regulations under this section may make different provisions for different categories of councils and different categories of principal officers, officers or other employees.

