

Local Government (Amendment) Act 1997

FIJI

LOCAL GOVERNMENT (AMENDMENT) ACT, 1997

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ACT NO. 3 OF 1997

I assent.

[L.S.]

K. K. T. MARA

President

[10th March 1997]

AN ACT

TO AMEND THE LOCAL GOVERNMENT ACT

ENACTED by the Parliament of Fiji.

PART I - PRELIMINARY

Short title and commencement

1.-(1) This Act may be cited as the Local Government (Amendment) Act 1997.

(2) This Act shall come into force on the day it is published in the *Fiji Republic Gazette*.

Interpretation

2. In this Act the Local Government Act is referred to as "principal Act".

PART II - AMENDMENT'S TO PRINCIPAL ACT

Section "2" amended

3. Section "2" of the principal Act is amended by-

(a) deleting the word "Crown" in lines 7 and 8 of the definition of "improvements" and substituting the word "State";

(b) deleting the definition of "mayor" and substituting a new definition as follows:

""mayor" means, in relation to a city or town, the Mayor of that city or town and, in relation to a district, the Chairman of the district council";

(c) deleting the definition of "town clerk" and substituting a new definition as follows:

""town clerk" means the person appointed as such under the provision of Section 35 and includes a clerk to a district council;".

Section "10" amended

4. Subsection "(2)" of Section "10" of the principal Act is amended-

(a) in paragraph "(a)" by deleting the words "the Commonwealth" and substituting "Fiji";

(b) in paragraph "(b)" by deleting the words "any part of the Commonwealth" and substituting the words "in Fiji or any other country".

Section "11" amended

5. Section "11" of the principal Act is amended in paragraph "(b)" of subsection "(4)" by deleting the proviso thereto.

Section "15" amended

6. Section "15" of the principal Act is amended by adding the following new provision-

"(4) Notwithstanding the provisions of subsections (1), (2) and (3), a councillor who fails to attend three consecutive ordinary meetings of the council convened in accordance with subsection (3) of Section 31 shall, unless the failure was due to some reason approved by the Council, cease to be a member of the Council."

Section "17" amended

7. Section "17" of the principal Act is amended in subsection "(2)" by inserting the words "or as holder of a business licence" between the words "taxpayer" and "only" in the proviso to the subsection.

Section "23" amended

8. Section "23" of the principal Act is amended by adding the following provision as subsection "(3)" -

"(3) If at an election under subsection (1) there is given to two or more candidates an equal number of votes in excess of those given to any other candidate, or in the case of their being only two candidates an equal number is given to each, the election between the two candidates with an equal number of votes shall be decided by the drawing of lots."

Section "31" amended

9. Section "31" of the principal Act is amended by deleting the words and expression "twenty-eight" and substituting the word "fourteen".

Section "35" amended

10. Section "35" of the principal Act is amended in subsection "(2A)" by inserting between the words "clerk" and "shall" in the first line the following: "who shall also be chief executive officer of a council".

Section "39" amended

11. Section "39" of the principal Act is amended in subsection "(2)" by repealing the subsection and substituting the following provisions:-

"(2) Subject to the provision of Section 45, all moneys paid by a council shall be drawn from the council's bank by cheque signed by the mayor, or the deputy mayor or one councillor authorised in that behalf by the Council.

(3) All cheques signed in accordance with subsection (2) shall be counter-signed by the town clerk or in the absence of the town clerk, the treasurer or any other officer authorised in that behalf by the Council."

Section "45" amended

12. Section "45" of the principal Act is amended in -

(a) subsection "(1)" by deleting all the words after the word, "account" in the first line;

(b) subsection (4) by deleting the words "and for emergency expenditure" after the word "wages" in the second line and substituting the following words "and emergency and minor expenditures".

Section "46" amended

13. Section "46" of the principal Act is amended:

(a) in subsection "(1)" by deleting the words "on or before the annual meeting to be held" between the words "shall" and "during" in the first line;

(b) in subsection "(2)" by repealing it and substituting the following:

"(2) A council shall submit a copy of the estimate referred to in subsection (1) to the Minister."

Section "50" amended

14. Section "50" of the principal Act is amended by inserting the words "ratepayer or" between the words "Any" and "elector" in the first line.

Section "60" amended

15. Section "60" of the principal Act is amended in subsection "(1)" by adding the following new paragraph immediately after paragraph"

"(aa) native lands not leased or licensed to any person;".

Passed by the House of Representatives this nineteenth day of February, in the year of our Lord, one thousand nine hundred and ninety-seven.

Passed by the Senate this twenty sixth day of February, in the year of our Lord one thousand, nine hundred and ninety-seven.
