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**THE LOCAL GOVERNMENT ACT 2003**

**Act No. 32 of 2003**

*I assent*

KARL AUGUSTE OFFMANN

*22nd August 2003 President of the Republic*

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## **An Act**

To amend, reform, and consolidate the

Local Government Act

ENACTED by the Parliament of Mauritius, as follows—

### **PART I - PRELIMINARY**

#### **1. Short title**

This Act may be cited as the Local Government Act 2003.

#### **2. Interpretation**

(1) In this Act \_

"admission charge" means the charge leviable under section 113;

"agricultural building" means a building, other than a dwelling house, which is occupied together with agricultural land and is used solely in connection with agricultural operations on that land;

"agricultural land" has the same meaning as in the Sugar Industry Efficiency Act 2001 but does not include land occupied together with a house as a park, garden, or a pleasure ground or land kept for purposes of sport or recreation or used as a race course;

"authority" means a local authority;

"Board" means the Central Tender Board;

"business " \_

(a) means any trade, commerce or manufacture, profession, vocation or occupation; and

(b) includes any other activity in the nature of trade, commerce or manufacture, profession, vocation or occupation;

"cadastral database" means the database of immovable properties to be kept and maintained under section 87;

"cadastral value", in relation to any property, means its value ascertained on the basis of its market value, i.e the price which the property would fetch on an open competitive market, on a free, not forced sale, between a willing buyer and a willing seller had it been vacant;

"Central Tender Board" means the Central Tender Board established under the Central Tender Board Act;

"Chairperson", in relation to the Local Government Valuation Tribunal, means the Chairperson of the Tribunal;

"Chief Executive" means the Town Clerk or any other person who may be designated as the chief executive officer of a local authority;

"classified trade" means any trade, business, profession, calling or activity specified in Part I of the Eighth Schedule;

"Commission" has the same meaning as in the Local Government Service Commission Act;

"Council" means a municipal council;

"councillor" means a councillor of a local authority;

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"disposal", in relation to waste, includes the sorting, carriage, transportation, treatment, storage, tipping above or underground, incineration and the transportation operations necessary for its recovery, re-use or recycling;

"disposal site" means a disposal site designated under section 47(5);

"district", in relation to the setting up of a municipal council, means a district referred to in section 3(1)(b);

"elector" means a person registered as a local government elector in accordance with the Representation of the People Act;

"Financial Controller" means the officer in charge of the Finance Department of any local authority;

"financial year" means the period beginning on 1 July in any year and ending on 30 June in the following year;

"immovable property" includes \_

(a) land, other than agricultural land, a flat or apartment whether owned individually or jointly or in which a person has any interest by whatever name called; and

(b) a building or part thereof, actually occupied, whether or not the construction thereof has been completed;

"licence" means a municipal licence;

"local authority" means \_

(a) the municipal council of any town or district;

or

(b) any new local authority created under section  
6;

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"local rate" \_

(a) means the rate leviable under section 78; and

(b) includes \_

(i) any surcharge under section 82;

(ii) any interest under section 83; and

(iii) any costs incurred in the recovery thereof;

"main roads" means the roads designated and classified as main roads by regulations made under section 3(2) of the Roads Act;

"Minister" means the Minister to whom responsibility for the subject of local government is assigned;

"motorways" means the roads designated and classified as motorways by regulations made under section 3(2) of the Roads Act;

"municipal council" has the meaning assigned to it by sections 3 and 6;

"municipal licence" means the licence referred to in section 103;

"owner", in relation to any property, includes -

(a) in respect of any immovable property situate on State Land or Pas Géométriques, the lessee of the site;

(b) the person who receives or, if such property were to be let, would be entitled to receive the rent, whether for his own benefit or that of any other person; or

(c) where the owner cannot be found or ascertained, the occupier thereof;

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"Permanent Secretary" means the Permanent Secretary of the Ministry responsible for the subject of local government;

"Permits and Licences Committee" means the Permits and Licences Committee established under section 97;

"ratepayer" means the owner of an immovable property liable to pay local rates;

"rate" means the local rate;

"rating area" means the administrative area of the town or district concerned;

"road" means any road or public place to which the public has access and includes any bridge, ford, culvert or other work in the line of such road;

"rural road" has the meaning assigned to it by section 3(4) of the Roads Act;

"Sanitary Authority" has the same meaning as in section 2 of the Public Health Act;

"Senior Councillor" means —

(a) subject to paragraph (b), the councillor present at a meeting who obtained the highest percentage of votes at the last election of Municipal Councillors and, where 2 or more councillors obtained the highest percentage of votes, the one among them who is designated as Senior Councillor by the drawing of lots;

(b) where the Senior Councillor is himself a candidate for the election of Mayor or Deputy Mayor or is for any reason incapable or unwilling to preside the meeting, the next councillor with the

highest percentage of votes;

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"surcharge" means the surcharge under section 82 or 102;

"town" means any town referred to in section 3(1)(a) or any new town created following an Order made under section 6;

"Tribunal" means the Local Government Valuation Tribunal established under section 91;

"urban road" has the meaning assigned to it by section 3(3) of the Roads Act;

"valuer" means any competent person appointed by a municipal council to value and assess \_

(a) the cadastral value under this Act; and

(b) the gross and net annual value under the repealed Local Government Act 1989,

of any immovable property situate in the area within the jurisdiction of the municipal council;

"waste" means solid waste other than hazardous waste, clinical waste and pharmaceutical waste.

(2) This Act and the powers conferred under it shall be in addition to, and not in derogation from, the provisions of and powers conferred under any other enactment regulating any of the matters regulated under this Act.

## **PART II- CONSTITUTION AND ELECTIONS**

### **3. Establishment of local authorities**

(1) There is established for the purpose of this Act a local authority for \_

(a) each of the towns of \_

(i) Port Louis;

- (ii) Curepipe;
- (iii) Beau Bassin \_ Rose Hill;
- (iv) Quatre Bornes;
- (v) Vacoas \_ Phoenix; and

(b) each of the districts of \_

(i) Pamplemousses;

(ii) Rivière du Rempart;

(iii) Moka;

(iv) Flacq;

(v) Grand Port;

(vi) Savanne; and

(vii) Black River,

whose boundaries shall be those set out in the First Schedule.

(2) The towns and districts of the Island of Mauritius shall be administered, for the purposes of local government, by local authorities.

(3) Every local authority shall be a body corporate and shall administer the town or district in respect of which it is set up.

(4) The corporate name of every local authority shall consist of the words "The Municipal Council of" and the name of the town or district concerned.

#### **4. Division of Towns and Districts into electoral wards**

(1) The President shall, after consultation with the Electoral Boundaries Commission and such other person as he thinks fit, by Order provide for -

(a) the division of a town or district into a specified number of electoral wards; and

(b) subject to the provisions of section 8, fix the number of councillors of each ward.

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(2) The boundaries of each electoral ward shall be determined by the President after consultation with the Electoral Boundaries Commission and such other person as he thinks fit.

(3) The President shall cause a draft Order to be prepared setting out the proposed boundaries of an electoral ward.

(4) The draft Order specified in subsection (3) shall be \_

(a) published by the Minister in 2 or more daily newspapers;

(b) open to inspection at such place as may be specified.

(5) Every person who wishes to make any representations on the boundaries proposed in the draft Order may do so within 6 weeks, in such manner and at such place as may be specified.

(6) The President shall, by Order, after the period specified in subsection (5) and after considering any representations made, confirm the boundaries proposed in the draft Order or fix them with such modifications as he may determine.

## **5. Alteration of existing areas**

(1) The President may, after consulting the Electoral Boundaries Commission, the Municipal Councils concerned and such other person as he thinks fit, by Order, alter the boundaries of any local authority.

(2) An Order made under subsection (1) may contain such consequential or supplementary provisions with respect to administrative arrangements as may appear to be necessary and

proper for the purpose of such Order and, without prejudice to the generality of the foregoing provision, may provide \_

(a) for the abolition, establishment, restriction or extension of the jurisdiction of any local authority in or over any part of the area affected by the Order;

(b) for the name of any altered area;

(c) for the adjustment or alteration of the boundaries of any area affected by the Order, and for the constitution and election of the local authority in any such area;

(d) for the functions or area of jurisdiction of any local authority within the area affected by the Order, and for the costs and expenses of any such authority;

(e) for the temporary disposition of the assets, or for meeting the debts and liabilities of the various local authorities affected by the Order, for the management of their property, and for regulating the duties, position and remuneration of officers affected by the Order;

(f) for the transfer of any writs, process, records, and documents relating to or to be executed in any part of the area affected by the Order, and for determining questions arising from such transfer;

(g) for the adjustment of any property, debts and liabilities affected by the Order and for the continuance in office of any officers of the local authority for the purposes of such adjustment.

(3) An Order made under this Part may, as respects any area affected by the Order, contain such incidental, consequential or supplemental provision as may be necessary for the total number of councillors, if any, and the first election of councillors for any new or altered area.

## **6. Creation of new local authorities**

The President may, by Order, create any new local authority and extend to that authority the provisions of this Act.

## **7. Supplementary provisions for new area**

(1) Where a new administrative area is created under section 6, the President may, in the Order creating such area, or in any subsequent Order -

(a) appoint persons to act as councillors of the local authority of that area;

(b) fix the date on which the first councillors shall retire from office; and

(c) fix such dates, times and places for the first election of councillors or appoint such persons to perform such duties, and make such temporary modifications to this Act, applying to that area, as may appear necessary to him so that such provisions be applicable to the first constitution of the local authority.

(2) The dates, times and places fixed by such Order, and any persons mentioned in the Order to perform any duties shall, as regards the area created by the Order, be respectively substituted in any provisions applied by the Order for the dates, times, places and persons mentioned in such provisions, and the persons mentioned in the Order shall have the like functions and be subject to the like obligations, as the officers and persons mentioned in those provisions.

(3) Subject to the provisions of the Order creating a new area, the provisions of this Act and any other enactment applying to an area such as that created by the Order shall, on the coming into operation of the Order, apply to the area created by the Order and

where the first Mayor, Deputy Mayor, councillor or any of them are named in the Order, shall apply as if they were elected or appointed under this Act and, where they are not so named, shall apply to their first election.

### **8. Membership of local authorities**

(1) Every municipal council shall consist of such number of councillors as is specified in the Second Schedule.

(2) Councillors shall be returned in accordance with the provisions made under the Representation of the People Act for \_

(a) the holding of ordinary elections of councillors; and

(b) the filling of vacancies in seats of councillors.

(3) An ordinary election shall involve the holding of election for the return of the entire municipal council.

### **9. Qualifications of electors for municipal elections**

(1) Subject to subsection (2), a person shall be entitled to be registered as an elector for the election of municipal councillors in any ward of a town or district where he \_

(a) is a citizen of Mauritius of the age of 18 and above;

(b) is domiciled and resident in Mauritius; and

(c) is, as at 1 January in the year in which the

register is being compiled \_

(i) resident in that town or district;

(ii) paying the local rate to the local authority; or

(iii) is the owner or tenant of an immovable property in any ward of a town or district.

(2) No person who -

(a) is serving a sentence of imprisonment, by whatever name called, exceeding 12 months, imposed on him by a Court in Mauritius or substituted by competent authority for some other sentence imposed on him or is under such a sentence of imprisonment, the execution of which has been suspended;

(b) is a person adjudged to be of unsound mind; or

(c) is disqualified for registration as an elector by any law in force in Mauritius relating to offences connected with elections;

shall be entitled to be registered as an elector for the election of councillors.

(3) For the purpose of subsection (2) (a) \_

(a) 2 or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms; and

(b) imprisonment in default of payment of a fine shall be disregarded.

(4) No person shall be registered as an elector in more than one ward of a town or district.

#### **10. Right to vote at municipal elections**

(1) Subject to subsection (2), any person who is registered as an elector of a ward in a town or district shall be entitled to vote in such

manner as may be prescribed at any election for the ward of that town or district, unless he is prohibited from so voting by the operation of any law where \_

(a) he is a returning officer; or

(b) he has committed any offence connected with elections.

(2) No person shall be entitled so to vote if on the date prescribed for polling he is in lawful custody or, except in so far as may otherwise be prescribed, he is for any other reason unable to attend in person at the place and time prescribed for polling.

## **11. Election of municipal councillors**

(1) Subject to the Representation of the People Act, an election of municipal councillors shall be held in the year 2004 and thereafter every 6 years on such date as shall be fixed by the President after consultation with the Electoral Supervisory Commission.

(2) The councillors of every local authority shall be elected in accordance with the Representation of the People Act.

(3) Every municipal council, unless sooner dissolved, shall continue for 6 years from the date on which the poll for the return of the entire municipal council is taken and shall, subject to the other provisions of this Act, stand dissolved as from the date a poll is next taken for the holding of election for the return of the entire municipal council.

(4) The President shall, for the purpose of electing a municipal council, issue a writ of election as provided in the Representation of the People Act.

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**PART III - GENERAL PROVISIONS AS TO  
COUNCILLORS AND MEETINGS OF  
LOCAL AUTHORITIES AND THE FILLING  
OF VACANCIES AMONG COUNCILLORS**

**Sub-Part A - Councillors**

**12. Qualifications for councillors**

Subject to section 13, no person shall be qualified to be elected as a councillor of a local authority unless \_

(a) he is qualified to be registered as an elector for the election of councillors for any ward of the relevant local authority; and

(b) he is able to speak and, unless incapacitated by blindness or other physical cause, to read English and French languages with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Council.

**13. Disqualification of councillors**

No person shall be qualified to be a councillor if he \_

(a) is a Minister or a Parliamentary Private Secretary;

(b) is a member of the Rodrigues Regional Assembly;

(c) is the holder of, or is acting in, an office of emolument \_

(i) under the state, other than that of a member of the National Assembly;

(ii) under a local authority, other than that of Mayor, Deputy Mayor or councillor.

(d) is an undischarged bankrupt, having been

adjudged or otherwise declared bankrupt under any law in force in Mauritius or has obtained the benefit of a *cessio bonorum* in Mauritius;

(e) is a party to, or a partner in a firm, or a director or manager of a company which is a party to, any contract with the particular local authority and has not, within 14 days after his nomination as a candidate for election, published in the English or French language in the Gazette and in a daily newspaper, a notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein;

(f) is disqualified for election by any enactment by reason of his holding, or acting in, any office, the functions of which involve \_

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register;

(g) is disqualified from acting as a councillor by any enactment for having committed an offence connected with elections.

#### **14. Multiple candidature unlawful**

No person shall \_

(a) stand as a candidate for election in more than one ward of a municipal council at one and the same election;

(b) stand as a candidate for election to any municipal council if he is already a councillor, except where the whole council of which he is a member is due for re-election.

#### **15. Voting at ordinary elections**

Every person entitled to vote at an ordinary election in a ward of a town or district shall vote for a minimum of one candidate up to the maximum number of councillors prescribed for the ward by the Order made by the President under section 4.

## **16. Term of office of councillors**

Subject to the provisions of this Act, the term of office of a municipal councillor shall begin on the day on which he takes the oath in terms of section 17 and, except for the Mayor, shall terminate on the eve of the day on which polling takes place for an ordinary election of councillors.

## **17. Oath to be taken by councillors**

(1) Subject to subsection (2), every elected councillor shall, before taking his seat at the municipal council, take and subscribe the oath specified in the Third Schedule at a public sitting held in the Council Chamber.

(2) The councillors present shall take the oath in alphabetical order of their surnames.

(3) The seat of a councillor shall become vacant where, without reasonable excuse, he fails or neglects to take and subscribe the oath specified in subsection (1) within a period of 4 weeks of his election.

(4) Any councillor who wilfully refuses to take and subscribe the oath required to be taken or, without reasonable excuse, fails to do so within 4 weeks of his election, shall commit an offence and shall, on conviction, be liable to pay a fine which shall not be less than 25,000 rupees nor more than 50,000 rupees, and shall further be disqualified to be a councillor for a period of 10 years.

## **18. Proceedings in respect of disqualification**

(1) (a) The Attorney-General or any registered elector of the authority concerned may institute proceedings in the Supreme Court against any person acting or claiming to be entitled to act as a councillor while disqualified within the meaning of this Part.

**(b) Proceedings under this section shall not be instituted after 6 months from the date on which the councillor so acted.**

**(2) Where, in proceedings instituted under this section, it is proved that the defendant is disqualified from acting as Councillor, the Supreme Court may-**

**(a) make a declaration to that effect;**

**(b) declare that the office in which the defendant claims to be entitled to act is vacant;**

**(c) grant an injunction restraining him from so acting; and**

**(d) order the defendant to pay to the Council a sum not exceeding 10,000 rupees for each occasion on which he so acted while disqualified.**

**(3) For the purposes of this section, a person shall be deemed to be disqualified from acting as a councillor -**

**(a) where he is not qualified to be, or is disqualified from being, a councillor, or from holding that office; or**

**(b) where he has ceased to be a councillor, or to hold that office, for any of the reasons mentioned in section 13 or 29.**

**19. Disability because of interest**

**(1) (a) Where any councillor having any direct or indirect pecuniary interest in any contract or other matter is present at a meeting of the local authority at which such contract or other matter is the subject of consideration, he shall, as soon as practicable after**

the commencement of the meeting, disclose his interest and shall not take part in the consideration or discussion of, and shall not vote on any question with respect to, the contract or other matter.

**(b) Paragraph (a) shall not apply to an interest in a contract or other matter which the councillor may have as a rate-payer or inhabitant of the area, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.**

(2) For the purposes of this section, a person shall, subject to subsection (1)(b), be treated as having an indirect pecuniary interest in a contract or other matter, where -

**(a) he or any of his nominee is a director of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or**

**(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.**

(3) For the purposes of this section, the interest of spouses living together shall be deemed to be an interest of both spouses.

(4) A general notice given in writing by a councillor to the Chief Executive to the effect that -

**(a) he or his spouse is a director, or is in the employment, of a specified company or other body; or**

**(b) that he or his spouse is a partner, or in the employment, of a specified person,**

**shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract, or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.**

**(5) The Chief Executive shall record, in a book to be kept for that purpose, particulars of any disclosure made under subsection (1) and of any notice given under subsection (4), and the book shall, at all reasonable hours, be open to the inspection of any councillor or elector.**

**(6) Any councillor who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.**

**(7) It shall be a defence for any person prosecuted under subsection (6) to establish that he did not know that the contract, proposed contract, or other matter in which he has a pecuniary interest was the subject of consideration at the meeting.**

**(8) No prosecution for an offence under this section shall be instituted except on information filed by the Director of Public Prosecutions.**

**(9) The President, acting in his own deliberate judgment, may, subject to such conditions as he thinks fit, remove any disability imposed by this section in any case where the number of councillors of the local authority so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the President that it is in the interest of the inhabitants of the area that the disability should be removed.**

(10) The local authority may, by resolution, exclude any councillor from any meeting while any contract, proposed contract, or other matter in which he has such an interest is under consideration.

#### 20. Immunity of Councillors

(1) No action shall lie against any councillor for any statement or communication made by him to the local authority, where he had a legal, social or moral duty to make the statement or communication to the authority and the authority had, in turn, a corresponding duty to receive the statement or communication in question.

(2) The immunity conferred by subsection (1) shall be restricted only to a statement or communication upon the subject with respect to which the immunity exists and shall not extend to anything that is not inherent or pertinent to the discharge of the duty which creates the immunity.

#### 21. Protection of Councillors against outrage

Sections 156(1), 158(1) and 160 of the Criminal Code Act shall extend to cases of outrage and violence against, and shall be applicable to any councillor.

#### Sub-Part B \_ Mayor and Deputy Mayor

#### 22. Election of Mayor and Deputy Mayor

(1) The Chief Executive shall, between the third day and the seventh day following the proclamation of the results of an ordinary municipal election, convene a meeting of all the returned candidates who, after taking the oath referred to in section 17, shall meet under the chairmanship of the Senior Councillor, to elect from amongst themselves a Mayor and a Deputy Mayor who, unless they resign their office or are sooner removed, shall remain in office for a period of 2 years.

(2) Between the 21 and 24 of the month in which the term of 2 years specified in subsection (1) expires, every municipal council, at a special meeting held for that purpose and convened by the Chief Executive, shall meet under the chairmanship of the Mayor and elect from amongst the councillors, a Mayor and a Deputy Mayor who, unless they resign their office or are sooner removed, shall hold their office for a period of 2 years, starting from the first day of the month following the election.

(3) Between the 21 and 24 of the month in which the term of 2 years specified in subsection (2) expires, every municipal council, at a special meeting held for that purpose and convened by the Chief Executive, shall meet under the chairmanship of the Mayor and elect from amongst the councillors, a Mayor and a Deputy Mayor who unless they resign their office or are sooner removed shall hold their office as from the first day of the month following their election until such time as a new Mayor and a Deputy Mayor are elected following an election for the renewal of the whole Council.

### **23. Election procedure**

(1) In the case of elections for the office of Mayor, and Deputy Mayor, appointed after an ordinary election, the Senior Councillor shall receive nominations of candidates from any councillor who has been already sworn, except that no member shall nominate more than one member for the same office.

(2) Where the Senior Councillor receives \_

(a) the nomination of not more than one candidate for an office, he shall declare that candidate duly elected;

(b) the nominations of more than one candidate, an election shall be held by secret ballot.

(3) (a) The candidate receiving the highest number

of votes shall be declared elected to the office of Mayor or Deputy Mayor, as the case may be.

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(b) In case of an equality of votes, the ballot shall be retaken in respect of the relevant candidates.

(4) Where, on the second ballot, there is again an equality of votes, the person to be elected shall be designated by drawing of lots between the candidates having received the same number of votes.

(5) In the case of the election of the Deputy Mayor, the same procedure shall be followed except that the meeting shall be presided over by the Mayor or, in his absence, by the exercising Deputy Mayor.

#### **24. Powers of Deputy Mayor and Substitute Mayor**

(1) Any act required to be done by the Mayor may, in his absence, be done by the Deputy Mayor.

(2) Where both the Mayor and the Deputy Mayor are absent from their respective offices, the municipal council shall, at a meeting held under the chairmanship of the Senior Councillor, appoint a Substitute Mayor who shall act as Mayor until such time as the Mayor or Deputy Mayor resumes office.

#### **25. Honorarium of Mayor, Deputy Mayor and Councillor**

The Mayor, Deputy Mayor and every councillor shall be paid such monthly honorarium as may be prescribed by the Minister.

#### **26. Revocation of Mayor**

(1) Where the Mayor of a local authority no longer commands a majority, the President may revoke the Mayor and order that a new Mayor be elected in accordance with section 23 within such time as he shall fix.

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(2) A Mayor elected in accordance with subsection (1) shall hold office until such time as the Mayor whom he is called to replace would have normally vacated his office.

**27. Acts done by disqualified persons**

The acts and proceedings of any person elected to an office under this Act and acting in that office, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

**Sub-Part C \_ Vacancies of Mayor, Deputy Mayor and councillors**

**28. Vacation of office by resignation**

(1) A person elected to be a councillor may resign his office as councillor by giving notice in writing to the Chief Executive.

(2) A resignation under subsection (1) shall take effect on the receipt of the notice of resignation by the Chief Executive.

**29. Vacation of office in other cases**

The seat of a councillor shall become vacant -

(a) on his death;

(b) where, without the prior leave of the municipal council, he fails throughout a period of 3 consecutive months to attend any meeting of that Council and/or of any of its committees to which he has been appointed;

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(c) where, without the approval of the President, he or any firm of which he is a partner or manager or any company of which he is a director or manager becomes a party to any contract with the Council of which he is a councillor, or where, without such approval, he becomes a partner of a firm, or a director or manager of a company which is a party to any such subsisting contract;

(d) where he becomes disqualified under section 13 or where he ceases to be a citizen of Mauritius;

(e) where he is elected to be a councillor of any other local authority or a member of the Rodrigues Regional Assembly.

### 30. Declaration of vacancy in office

(1) Where a councillor -

(a) ceases to be qualified as a councillor;

(b) becomes disqualified from being a councillor for any reason other than by reason of a conviction or a breach of any enactment relating to electoral offences; or

(c) ceases to be a councillor for any reason specified in section 29 (b), (c), (d) and (e),

the Chief Executive shall, except in any case in which a declaration has been made by the Supreme Court under this Part, forthwith declare his office to be vacant.

(2) The notice of a declaration of vacancy shall be signed by the Chief Executive and sent forthwith to the President who shall cause notice of the vacancy to be published in the Gazette.

**(3) Any person aggrieved by the decision of the Chief Executive under this section may, by way of motion, move the Supreme Court to set aside the decision.**

**31. Date of casual vacancies**

**For the purpose of filling a casual vacancy in any office for which an election is held under this Act, the vacancy shall be deemed to have occurred \_**

**(a) in case of resignation, on receipt of the resignation by the Chief Executive;**

**(b) in case of death, on the date of death of the councillor;**

**(c) in case of a disqualification by reason of conviction, on the expiration of the delay for lodging an appeal or, where an appeal is lodged, on the day it is finally disposed of by the Supreme Court;**

**(d) in case of an election being declared void on election petition, on the date of the judgment of the Court; or**

**(e) in case of a person ceasing to be qualified to be a councillor, or becoming disqualified for any reason other than that specified in paragraph (c) or ceasing to be a councillor for any reason specified in section 29 (b), (c), (d) and (e), on the date on which his office is declared vacant by the Chief Executive or by the Supreme Court, as the case may be.**

### **32. Casual vacancy of Mayor or Deputy Mayor**

(1) On a casual vacancy occurring in the office of Mayor or Deputy Mayor of a municipal council, an election to fill the vacancy shall be held within 7 days of the occurrence of such vacancy and shall be conducted in the manner provided in section 23.

(2) Where a Mayor or Deputy Mayor is elected following a vacancy under subsection (1), he shall hold office until such time as the Mayor or Deputy Mayor whom he is called to replace would have normally vacated his office.

### **33. Casual vacancies amongst Councillors**

(1) Where a casual vacancy occurs in the office of a councillor, the Chief Executive shall, not later than 3 days after the occurrence of the vacancy, give written notice thereof to the Minister who shall immediately inform the President of same.

(2) Subject to subsection (3) and section 34, the vacancy shall be filled by election -

(a) in case of less than 3 vacancies amongst the councillors of a municipal council, where the Minister considers that it is in the public interest to hold an election and he so informs the Electoral Supervisory Commission; or

(b) in case of 3 or more vacancies amongst the councillors, unless the Electoral Supervisory Commission, after consultation with the Minister, considers that the vacancies will not upset the relativity between the number of councillors in the majority group and in the opposition respectively.

**(3) An election to fill any vacancy under subsection (2) shall be -**

**(a) held on such day as may be fixed by the President after consultation with the Electoral Commissioner by notice published in the Gazette, being not more than 75 days and not less than 28 days after the date of such publication;**

**(b) conducted in the same manner as an ordinary election.**

**(4) The notice under subsection (3) shall be published \_**

**(a) where there are 3 or more vacancies, within 15 days of the occurrence of the third vacancy;**

**(b) where there is less than 3 vacancies, within 15 days of the occurrence of the last vacancy.**

**34. Vacancy within 12 months of election**

**(1) Notwithstanding section 33 or any other enactment, no vacancy in a local authority shall be filled where it occurs 12 months or less before the day on which ordinary elections for the constitution of such local authority are to be held unless the Minister, after consultation with the President, informs the Electoral Supervisory Commission that it is in the public interest that the vacancy be filled.**

**(2) Where the number of remaining councillors of a local authority falls below the number required for a quorum of councillors of that authority, the President shall appoint such number of persons to be councillors of the local authority until the holding of such elections as may be necessary to ensure that there is a quorum of councillors at meetings of the authority.**

### **35. Acts not invalidated by vacancy**

All acts done by a local authority shall, notwithstanding any vacancy in such local authority or the subsequent discovery that there was a defect in the election of a person purporting to be a councillor, be as valid as if no such vacancy or defect had existed.

## **PART IV \_ PROCEEDINGS OF LOCAL AUTHORITIES, COMMITTEES AND ASSOCIATION OF LOCAL AUTHORITIES**

### **36. Meetings**

(1) The Council shall meet in ordinary meeting in the Council Chamber as often as its business may require and at least once every fortnight.

(2) The Mayor shall convene a special meeting of the Council at the request of not less than one third of the total number of councillors.

(3) A request for a special meeting shall be addressed to the Mayor through the Chief Executive and shall state the reasons for the convening of the Council.

(4) Subject to the powers of the Council to sit, in camera, whenever it thinks fit, all ordinary meetings of the Council shall be open to the public, but the person presiding over the meeting may order the removal of any person for disorderly conduct or obstruction of proceedings.

### **37. Appointment of committees**

(1) A municipal council may appoint such committee as it thinks fit for any special purpose.

(2) (a) Subject to paragraph (b), the number of councillors of a committee appointed under this section, their term of office, and any area within which the committee is to exercise its authority, shall be fixed by the Council.

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(b) A committee appointed under subsection (1) shall comprise not more than 9 and not less than 5 councillors.

(3) No person other than a councillor shall be a member of any committee appointed under this section.

(4) All recommendations of any committee appointed under this section shall be reported to the municipal council at its next meeting and, when adopted, shall become a resolution of the Council.

(5) The meetings and proceedings of the Council and any committee thereof shall be conducted in the manner specified in the Fourth Schedule.

### **38. Association of Local Authorities**

(1) There shall be established an Association of Local Authorities which shall have such powers and duties as the Minister may prescribe.

(2) The Association shall be composed of such number of councillors from each municipal council, as may be prescribed.

(3) The objects of the Association shall be to \_

(i) co-ordinate the activities of the local authorities;

(ii) promote the development of the local authorities;

(iii) deal in such other activities relating to local government, as may be approved by the Minister.

(4) The Chief Executive or other Heads of Departments of a Local Authority may attend or

take part in any discussion of the Association but shall not vote on any question.

(5) The local authorities may delegate to the Association, with or without such restrictions or conditions as they think fit, any functions of the local authorities relating to the objects of the Association, except the power of levying a rate, raising revenue or of borrowing money.

(6) The Minister, may, where he deems it appropriate, consult the Association for specific matters pertaining to local government.

### **39. Association of Local Authorities' expenses and accounts**

(1) The expenses incurred by the Association of Local Authorities shall be defrayed by the local authorities, in such proportions as they may agree upon or, in case of disagreement, in the proportions which the Minister may determine.

(2) The accounts of the Association of Local Authorities shall be made up yearly to the end of the financial year and thereafter submitted within 4 months for audit by the Director of Audit.

(3) The voting disabilities provided in section 19 shall apply, with such modifications as may be necessary, to councillors appointed to the Association of Local Authorities.

#### **PART V \_ PURPOSE, FUNCTIONS AND ADMINISTRATION**

##### **Sub-Part A \_ Purpose, functions and powers of local authorities**

##### **40. Purpose of local authorities**

The purpose of a local authority shall be to \_

- (a) promote the social, economic, environmental and cultural well-being of the local community;
- (b) improve the overall quality of life of people in the local community;
- (c) ensure that services and facilities provided by the Council are accessible and equitably distributed;
- (d) ensure that resources are used efficiently and effectively to best meet the needs of the local community;
- (e) ensure transparency and accountability in decision-making; and

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**(f) provide for the prudent use and stewardship of local community resources.**

**41. Functions of local authorities**

**(1) Subject to the provisions of this Act, a local authority shall have all the powers of a corporate body and shall, in particular, have such functions as are necessary to further most effectively its purpose and, in particular, to \_**

**(a) develop, implement and monitor its strategic plans and budgets;**

**(b) plan for and provide services and facilities for the local community;**

**(c) raise revenue to enable the local authority to perform its functions;**

**(d) develop, implement and monitor its corporate and financial management control techniques;**

**(e) establish norms and standards in the conduct of its affairs;**

**(f) exercise, perform and discharge the duties, functions and powers under this Act or any other enactment relating to local authorities or any regulations made thereunder; and**

**(g) do such things as are incidental or conducive to the performance of any of its functions under the Act.**

**(2) A local authority shall, within the limits of the area under its jurisdiction, be responsible for \_**

**(a) subject to the Road Development Authority Act, the Roads Act and the Road Traffic Act —**

**(i) the cleaning and lighting of all motorways and main roads;**

(ii) the construction, care, maintenance, improvement, cleaning and lighting of all public roads and traffic signs;

(iii) the removal from any public place or road of any dead animal and the safe disposal of any carcase or dead body of such animal;

(b) subject to any regulations made under section 47(3), the collection and conveyance of waste to disposal sites;

(c) subject to the Forest and Reserve Act, the undertaking of works of afforestation, terracing and tree planting alongside public roads, and for the purpose of such planting, it may cut and remove any tree growing within 2 metres of any public road unless the owner of the land bordering such road elects to cut and remove the tree himself within such time as may be fixed by the local authority;

(d) the provision, maintenance, management and regulation of public markets, fairs, other than trade fairs and exhibitions which may be organised with the approval of the Minister responsible for the subject of commerce pursuant to any regulations made under the Consumer Protection (Price and Supplies Control) Act or other enactment, and places of public auction;

(e) the construction, control, care, management, maintenance, improvement and cleansing of all pavements, drains, bridges, beds and banks of lakes, rivulets and streams;

(f) the construction, care, management, maintenance, improvement, cleansing and lighting of squares, open

spaces, parks, gardens, bus shelters, public buildings including lavatories, baths and swimming pools, open and dedicated to the use of the public, except such public buildings which are the property of the State;

*(g)* the construction, management, maintenance and improvement of public libraries, exhibition halls and art galleries, theatres, places of public entertainment, playing fields, cemeteries, crematoria and cremation grounds, nurseries for infants and pre-primary schools;

*(h)* the formulation and implementation, particularly in deprived regions, of policies aiming to respond better to \_

*(i)* poverty and exclusion - related problems;

*(ii)* the safeguard and promotion of the rights and welfare of children living within its administrative area;

*(i)* the control of premises used for commercial, industrial, professional and other related activities;

*(j)* the construction of commercial, industrial, professional and residential buildings and the management, maintenance and improvement of municipal estates;

*(k)* the provision, maintenance, control and management of parking places for vehicles;

*(l)* the control of pollution causing a public or private nuisance;

*(m)* the licensing, regulation and control of the conduct of business activities, other than those listed under the Tourism Act 2002, within its administrative area;

**(n) the promotion of sports development and the organisation of sports activities, including the sponsoring and " patronage" of any formation capable of representing the town or district at local, regional and international levels;**

**(o) the provision of infrastructure for leisure and cultural activities to the inhabitants and the organisation of leisure, welfare and cultural activities;**

**(p) the provision, maintenance, control and management of traffic centres, including bus stations, stands for lorries and other public vehicles;**

**(q) necessary action to ensure that the buildings and plots of land along main roads and other frequented roads are properly kept, regularly maintained and embellished;**

**(r) the preservation and regular proper maintenance of ancient monuments and old and historic buildings, in collaboration with their owners and relevant organisations;**

**(s) the proper management and regular maintenance of assets handed over to it by any Ministry or Government Department as per the existing Memorandum of Understanding, if any, signed by the Ministry or Department concerned and the local authority;**

**(t) such other undertaking as may be approved by the Minister; and**

**(u) such other duties as may be conferred upon it by any other enactment.**

#### **42. Powers of local authorities**

**(1) Subject to any limitations or restrictions imposed by or under this Act or any other enactment, a local authority shall have all the powers to do all things necessary or convenient to be done in connection with the achievement of its purpose and the performance of its functions.**

(2) The generality of this section is not limited by the conferring of specific powers by or under this Act or any other enactment.

(3) Notwithstanding anything to the contrary in any other enactment, the areas, places, property and undertakings specified in the Fifth Schedule shall be exclusively controlled, managed, superintended and maintained by, and all revenues therefrom shall accrue to the Municipal Council of Port Louis.

(4) For the better performance of its functions, any local authority may do such acts and take such steps, including the acquisition and disposal of any property rights which it considers necessary for or conducive or incidental to the exercise of its powers and duties, and may in particular \_

(a) enter into such contracts as it deems fit for the efficient discharge, under its supervision and responsibility, of its functions;

(b) with the express permission of the Minister, enter in partnership with any other local authority, parastatal organisation, private person, firm, partnership or company for the realisation of any joint venture, commercial, industrial or otherwise.

(5) In the exercise of its functions under section 41, a local authority may, temporarily or permanently, close, divert, alter, widen, raise or lower any public road and carry out all works which it considers appropriate in the area, including the planting and felling of trees or shrubs and the digging of wells and conduits.

(6) Where any closure or diversion of any road under this section is likely to be permanent or where any widening requires the demolition of buildings belonging to third parties, the resolution to close, divert or widen the road shall be subject to the approval of the Minister and no work shall be undertaken until notice of the resolution \_

(a) has been published in 2 consecutive issues of the Gazette; and

**(b) has been communicated to all persons whose premises may be injuriously affected by such works, by registered post with avis de reception at the residence or at the last known place of residence of such persons.**

**(7) Traffic on any public road may be temporarily stopped and controlled by order of the Commissioner of Police or the Permanent Secretary of the Ministry responsible for the subject of road.**

**(8) Where a local authority fails to carry out any of the duties conferred upon it, the Minister may order any other person to carry out such duties in lieu and stead of that authority, and any expense defrayed in that respect shall be borne by the authority concerned and shall be deductible from any grant payable to it.**

**(9) (a) A local authority may, by regulations, provide for the procedure for the carrying out of the functions referred to in section 41.**

**(b) Regulations made under paragraph (a) \_**

**(i) may provide for the levying of fees;**

**(ii) shall not require the approval of the Minister.**

#### **43. Powers of municipal inspectors**

**(1) Subject to subsection (2), every municipal inspector of a local authority \_**

**(a) shall ensure compliance with the provisions of this Act;**

**(b) shall have all necessary powers to \_**

**(i) enter at all reasonable times any place where a building is being constructed or repaired to ascertain whether the required development and building permits have been obtained and, if so, whether the conditions of such permits are being respected;**

(ii) issue all orders required so that provisions of the Town and Country Planning Act and the Building Act are respected;

(c) shall have the powers, privileges and immunities, and shall perform the duties of a police officer in the execution of all summons and orders issued in relation to any offence against an enactment relating to a local authority;

(d) may seize any article or animal which is the subject-matter of an offence under any enactment relating to a local authority where \_

(i) the seizure is necessary for the purpose of establishing the offence; or

(ii) the article or animal is liable to seizure or confiscation;

(e) may, without warrant, arrest any person for any offence under any enactment relating to a local authority where the person \_

(i) not being known to him, refuses to give his name and address or gives a name and address which he has reason to consider to be false; or

(ii) runs away or attempts to run away, rescues any article seized or in any way obstructs, hinders, opposes or molests the inspector;

(f) shall wear such uniform, and carry such staff or other insignia of office as the local authority shall determine.

(2) (a) Any offender arrested under subsection (1)(e) shall be taken forthwith to the nearest police station where the officer in charge of the station, if satisfied with respect to the name, position and place of abode of the

person arrested, shall release him provisionally after recording all the particulars concerning the case in the occurrence book of the station.

(b) Where the person arrested is not released, he shall be taken as soon as possible before a Magistrate.

(c) Any article or animal seized or confiscated under the provisions of subsection (1) (d) shall be disposed of \_

(i) in such manner as the Court may direct;

(ii) where no direction has been issued by the Court, in such manner as the Chief Executive may decide.

#### Sub-Part B \_ Services of local authorities

#### 44. Markets and fairs

No market or fair shall be erected or opened in any area unless-

(a) the said market or fair has been approved by the relevant municipal council and complies with such terms and conditions as it may impose; and

(b) the site and layout plans thereof have been approved by the Sanitary Authority and complies with such terms and conditions, including fire safety norms, as it thinks fit.

#### 45. Occupation of stalls inside markets

(1) Notwithstanding the Landlord and Tenant Act, a municipal council may, by *contrat à durée déterminée*, authorise any person to occupy any stall, shop or other place inside any market or other premises which it controls or manages, on such terms and conditions as it may determine.

(2) The authorisation under subsection (1) shall be for a period of not more than 3 years but may be expressly renewed for further periods not exceeding 3 years, on such terms and conditions, including a revision of the rent payable, as the Council may decide in each particular case.

(3) Notwithstanding anything to the contrary in any other enactment, every person whose stall was burnt or damaged in the fire which destroyed part of the Market of Port Louis in the year 1999 shall, on the completion of the reconstruction of the Market, be given priority for the right to occupy a new stall for a period of 3 years, on such terms and conditions as the Council may decide, and his right of occupation of such stall may thereafter be renewed as provided in subsection (2).

#### **46. Sale of articles outside markets**

**(1) Subject to subsection (2), a municipal council may, on payment of such fees as may be prescribed and on such conditions as it thinks fit, issue permits for the opening of shops and stalls outside the markets for the sale of such articles as may be specified in regulations made by the municipal council.**

**(2) The site, construction and sanitary arrangements of such shops and stalls shall be in conformity with any enactment relating to sanitation.**

**(3) No article shall be sold at a market or fair, in a place other than the shop or stall in respect of which the permit was granted.**

**(4) Regulations made under subsection (1) may provide for the payment of different fees in respect of different permits according to the description of the articles to be sold in such shops or stalls.**

**(5) The municipal council may cancel any permit granted under this section where the provisions of any enactment relating to these articles are not complied with or where the permit holder does not comply with any condition of the permit.**

**(6) Regulations made under subsections (1) and (4) shall not require the approval of the Minister before their publication in the Gazette.**

**47. Collection and disposal of waste**

**(1) The Permanent Secretary shall, after consultation with the local authorities, make arrangements for the \_**

*(a) collection, conveyance and disposal of waste; and*

*(b) operation and management of disposal sites.*

**(2) In making arrangements under subsection (1), the Permanent Secretary \_**

*(a) shall comply with such standards and code of practice issued under any environmental law;*

*(b) may consult the Environment Coordination Committee.*

**(3) The Minister may make regulations \_**

*(a) to give effect to the arrangements made by the Permanent Secretary; and*

*(b) for the efficient management and control of solid waste and its collection, conveyance and disposal.*

**(4) Without prejudice to the generality of the provisions of subsection (3), the regulations may provide \_**

*(a) for the issue, amendment and revocation of licences or permits;*

*(b) for the making of different provisions for different categories of waste and for different disposal sites;*

(c) for the taking of fees and the levying of charges, including different charges for \_

(i) the removal of different sorts or categories of waste;

(ii) the removal of waste from properties or part of properties used for residential, commercial or industrial purposes;

(d) for the removal of waste unlawfully deposited and the recovery of expenses incurred for the removal of same;

(e) for any matter relating to enforcement, including the issue of enforcement notices, powers of entry, search and arrest, and the seizure of any vehicle, object or thing used in the commission of an offence under the regulations;

(f) that any person who contravenes them shall commit an offence and shall, on conviction, be liable \_

(i) in case of a first offence, to a fine of not less than 5,000 rupees and not more than 10,000 rupees; and

(ii) in case of a second or subsequent offence, to a fine of not less than 10,000 rupees and not more than 25,000 rupees and to imprisonment for a term not exceeding 5 years;

(g) that, in addition to the penalty provided under paragraph (f), the Court may, on conviction, order the forfeiture of any vehicle, object or thing used in the commission of the offence.

(5) Subject to any requirements imposed under any environmental law, the Minister may, by notice in the Gazette, designate a disposal site.

#### **48. Sanitation and road works**

(1) Subject to any enactment relating to buildings, drains, quarantine, drainage or waste water, any local authority may take measures for the construction, repair, maintenance, cleaning and general care of all drains, sewers, gutters and cross-gutters in the area falling within its jurisdiction.

(2) Nothing in this section shall affect the operation of the Wastewater Management Authority Act and the control of the waste water system and of any extension of same and, subject to subsection (3), the local authority shall not object to, oppose or hinder any digging or other works consequent thereon or incidental thereto, where notice has been duly given to the Council.

(3) (a) No person shall carry out any works likely to damage the surface of a road unless \_

(i) he obtains , pursuant to an application, a written authorisation from the local authority in whose area the road is to be found; and

(ii) he strictly complies with all the conditions imposed by the local authority.

(b) The authority shall deal with an application for an authorisation made under subsection (3)(a)(i) expeditiously.

(4) (a) Any person who contravenes subsection (3), shall commit an offence and shall, on conviction, be liable

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to a fine of not less than 5,000 rupees and not more than 10,000 rupees, and the Court shall, on motion of the local authority, further order him to pay to the local authority the cost or estimated cost of repairing and resurfacing the damaged part of the road.

(b) It shall be a defence for any person prosecuted for an offence under paragraph (a) to prove that \_

(i) an application for an authorisation made under subsection (3)(a)(i) has not been dealt with within a reasonable time;

(ii) the works undertaken were required to be done urgently; and

(iii) he has offered to pay to the local authority the cost or estimated cost of repairing and resurfacing the damaged part of the road.

#### **49. Abatement of nuisance**

(1) Where the Sanitary Authority considers \_

(a) that any nuisance exists on, or in respect of, any road, bridge, building or other place mentioned in section 41(2); or

(b) that \_

(i) the construction, repair or cleaning of any gutter or drain; or

(ii) the alteration, improvement or repair of any building, work or construction on premises situate within or outside the boundaries of a local authority and belonging to, or under the management of, that local authority is required in the interest of public health,

the Sanitary Authority shall, by order in writing, call upon the local authority to cause the nuisance to be abated or the works to be commenced within such time as may be fixed by the Sanitary Authority.

(2) (a) The Sanitary Authority shall notify the Minister of any failure by a local authority to comply with a final order of the Sanitary Authority.

(b) On being informed that an authority has failed to comply with an order of the Sanitary Authority for the abatement or otherwise of a nuisance, the Minister may cause such nuisance to be abated or such works to be carried out, as the case may be, by a third party, and all the expenses incurred in the abatement of the nuisance or the carrying out of the works shall be charged to the authority or deducted from any grant payable to it.

(3) In this section, "nuisance" has the meaning assigned to it by section 18 of the Public Health Act.

#### 50. Thoroughfares on private property

(1) No street, lane, alley or thoroughfare shall be considered to be dedicated to public use until the local authority has approved its dedication to public use and of the manner in which it has been made.

(2) No person shall create a street, lane, alley, or thoroughfare on his land for dedication to public use without giving notice of his intention to the local authority concerned.

(3) Subject to section 138 (3), a local authority shall name any street, lane, alley or thoroughfare dedicated to public use.

**Sub-Part C \_ Structure and staff of local authorities**

**51. Departments of local authority**

**(1) For the efficient discharge of its duties, every local authority may have the following departments \_**

- (a) the Chief Executive's Department;**
  - (b) the Financial Controller's Department;**
  - (c) the Management Audit Department;**
  - (d) the Town and Country Planning Department;**
  - (e) the Public Infrastructure and Maintenance Department;**
  - (f) the Health and Environment Department;**
  - (g) the Sports and Welfare Department;**
  - (h) the Public Relations and Complaints Department;**
  - (i) the Library and Information and Communication Technology Department; and**
  - (j) such other Department which the Council may, with the approval of the Minister, decide to set up.**
- (2) Two or more departments may be under the responsibility of the same officer.**

**52. Employees of local authorities**

**(1) The Local Government Service Commission shall appoint to the establishment of every local authority, for the efficient discharge of its functions, fit and proper persons to posts approved by the Permanent Secretary after consultation with the Chief Executive.**

(2) No person shall be appointed to a post on the establishment of a local authority unless he holds the minimum required qualifications and unless the approval of the Local Government Service Commission, has been obtained.

(3) (a) The salary structure and conditions of service applicable to posts of any authority shall be those approved by the Permanent Secretary and, where applicable, in accordance with the recommendations of the Pay Research Bureau or such other body as may be prescribed.

(b) Except as may be otherwise prescribed, all conditions of service applicable to the public service shall apply to the local government service.

(4) The schemes of service applicable to posts of local authorities shall be those which the Permanent Secretary, after consultation with the Chief Executive, shall, with the agreement of the Local Government Service Commission, specify in writing.

(5) (a) Subject to paragraph (b), the Chief Executive of a local authority shall have the overall responsibility for the administration of the local authority whose officers shall be responsible to him.

(b) The local authority shall, subject to the approval of the Permanent Secretary, determine all applications for leave without pay made by its officers.

(6) All employees of a village council shall, at the commencement of this Act, be deemed to be employees of the Council in whose area the relevant village is situated.

(7) The officers and employees of any district council existing immediately before the commencement of this Act, shall, as from the commencement of this Act, be deemed to belong to the service of the

authority created to replace the district council by which they were previously employed, as the Local Government Service Commission may, after consultation with the Secretary of the district council, signify to them in writing.

#### 53. Loans to employees

(1) A local authority may, on the same conditions as those in force in the public service, make a loan to any of its employees for the purchase of a motor vehicle to be used by the employee in the performance of his duties.

(2) No authority shall make a loan to an employee who is indebted to the authority for any previous loan granted to him.

#### 54. Vacancies

Where a vacancy occurs in respect of a local government office, the Chief Executive shall, within one month of the occurrence, report the matter to the Local Government Service Commission and the matter shall be governed by the Local Government Service Commission Act and the regulations made thereunder.

#### 55. Security to be given by officers

(1) A local authority may take or require any of its officers to give, such security as it thinks sufficient for the faithful execution of the duties of his office and for duly accounting for all money or property which may be entrusted to him.

(2) Any officer who fails to furnish the security required of him within 15 days of such request, or fails to renew a security which has been furnished within 15 days of its expiry, shall be deemed to have vacated his office.

(3) No councillor shall, for the purposes of this section, stand as surety for an officer employed by the local authority of which he is a member.

56. Accountability of officers

(1) Every officer employed by a local authority shall, during the continuance of his office or within 3 months after his ceasing to hold same, submit in writing, at such time and in such manner as the local authority may direct, a true account of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries, and a list of persons from whom or to whom money is due in connection with his office and the amount so due.

(2) Every officer shall, on being so directed by the authority, pay to the local authority or to any person any money due by him, in his capacity as an officer.

(3) Where any officer \_

(a) refuses or wilfully neglects to make any payment which he is required to make under this section;

or

(b) after 3 days' notice in writing signed by the Chief Executive and served upon him, given or left at his usual or last-known place of residence, refuses or wilfully neglects to make out or deliver to the local authority any account or list which he is required by this section to make out and deliver or any voucher or other documents or record relating thereto or to give to the authority such security respecting it as the Chief Executive directs,

the District Magistrate may, on complaint by the local authority, order him to make such payment or delivery or to give such security.

(4) Any officer who fails to comply with an order of the District Magistrate made under subsection (3) shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 5,000 rupees and not more than 25,000 rupees.

(5) Nothing in this section shall affect any other action which the authority may deem appropriate against the officer or his surety.

**57. Councillors not to be officers**

No person who is, or has during the preceding 12 months been, a councillor shall be appointed to any paid office of a local authority, other than that of Mayor, Deputy Mayor or councillor.

**58. Protection of officers of local authorities**

Sections 156(3), 159 and 160 of the Criminal Code shall extend to cases of outrage and violence against officers of local authorities appointed under this Part.

**59. Responsibilities of Permanent Secretary**

(1) Subject to subsections (2) and (3), the Permanent Secretary shall, for the purposes of the Local Government Service Commission Act, be the responsible officer of every Chief Executive.

(2) The Permanent Secretary shall, after consultation with the Municipal Council or upon the recommendation of the Municipal Council, report to the Local Government Service Commission any Chief Executive who \_

(a) has failed to exercise administrative or financial control in accordance with his responsibilities;

(b) has failed to execute the policies, projects or such decisions and directives of the Council

provided they are not inconsistent with existing legislation and established procedures; or

(c) has committed an act of gross misconduct, misbehaviour, or insubordination.

(3) Where, following a report made under subsection (2), the Commission is of the opinion that disciplinary action should be taken against the Chief Executive, the Permanent Secretary shall, after consulting the Solicitor-General, draw up the appropriate charge.

## **PART VI \_ FINANCE**

### **Sub-Part A \_ Funds, annual estimates and grants**

#### **60. General Fund**

(1) There shall be, in respect of every local authority, a General Fund \_

(a) into which shall be paid \_

(i) all recurrent revenue; and

(ii) such amount of grants in respect of recurrent expenditure as may be appropriated by the National Assembly; and

(b) out of which all recurrent liabilities shall be paid.

(2) Subject to subsection (3), all payments to and out of the general fund shall be made by the Financial Controller.

(3) Payments out of the general fund shall not be made before approval of the Council and the Chief Executive have been obtained, and such approval may cover several payments.

(4) No payments shall be made under subsection (2) unless they relate to items included in estimates approved under section 63.

#### **61. Capital Fund**

(1) There shall be, in respect of every local authority, a Capital Fund \_

(a) into which shall be paid \_

(i) such amount of grants in respect of capital expenditure as may be appropriated by the National Assembly;

(ii) the proceeds of any sale of immovable property by the local authority;

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(iii) the proceeds of any loan raised for capital expenditure;

(iv) money received by way of interest or dividend on any investment of money belonging to the Capital Fund;

(v) money received in reimbursement of the capital cost of any project financed in whole or in part from the Capital Fund; and

(vi) any grant or donation made to the local authority for development purposes; and

(b) out of which all capital expenditure shall be paid.

(2) No local authority shall accept any grant or donation from a foreign body or organisation or a foreign State without the prior consent of the Minister.

(3) Any withdrawal from the Capital Fund or from the funds specified in section 62 shall require the prior approval of the Council.

#### **62. Other Funds**

A Council may establish \_

(a) such funds to be used for the purpose of defraying expenditure to be incurred for repairing, maintaining, replacing or renewing any building, works, plant, machinery, motor vehicle, equipment or articles belonging to the Authority; and

(b) such other funds as may be approved by the Minister.

#### **63. Annual Estimates**

(1) The Mayor of every local authority shall, not later than 31 March in every year, submit to the municipal council, draft estimates of recurrent revenue and recurrent expenditure and capital revenue and capital expenditure of the local authority for the next financial year.

**(2) The municipal council shall approve the draft estimates submitted in accordance with subsection (1) subject to such modifications as it thinks fit.**

(3) The Chief Executive shall, not later than 15 April in every year, transmit to the Minister an attested copy of the estimates approved by the municipal council under subsection (2) for consideration.

(4) The Minister shall, not later than 15 May in every year, submit to the Minister responsible for the subject of finance the estimates of a local authority, together with his own recommendations.

(5) The Minister responsible for the subject of finance shall, on the basis of the recommendations of the Minister under subsection (4) and after consultations with the local authorities, determine the amount of grants to be allocated to the local authorities in respect of recurrent expenditure and capital expenditure for the financial year.

(6) In considering the amount of grants to be allocated to the local authorities, the Minister responsible for the subject of finance shall give due consideration to the financial and development needs of the particular local authority and shall, for a fair allocation of the amount of the grants, take into account \_

**(a) the special needs of the area falling under the jurisdiction of the particular local authority in terms of accelerated development;**

**(b) the possibility of the local authority concerned to increase its revenue by way of any local rates, fees or charges;**

**(c) the opportunities for the development of business, industry and commerce within the area of the local authority; and**

(d) the state of public finance and of the economy of Mauritius in general.

(7) After the determination of the amount of grants to be allocated to a local authority by the Minister responsible for the subject of Finance, the Minister shall, in the light of such determination, approve the estimates of the local authority in whole or in part.

(8) The total grants to be allocated to the local authorities as determined under subsection (5) shall be entered under the appropriate item of the Draft Recurrent Budget or the Draft Capital Budget, as the case may be, in the Appropriation Bill for the financial year.

(9) An attested copy of the estimates approved under subsection (7) shall be deposited in a suitable place in the office of the Council for public inspection.

#### **64. Release of Grants**

Grants appropriated by the National Assembly for local authorities in any financial year shall be released periodically.

### **65. Vote on Account**

(1) Subject to the other provisions of this section, where \_

(a) a municipal council has failed to comply with section 63(2); or

(b) the Minister has not approved an estimate drawn up by a municipal council,

the Minister may authorise the municipal council to incur expenditure in respect of the financial year for which no estimate has been drawn up or approved, as the case may be, at a monthly rate which shall not exceed one-twelfth, or such other fraction, as he may determine, of the approved estimates for the immediately preceding financial year.

(2) An authorisation under subsection (1) shall \_

(a) be valid for such period as the Minister may determine;

(b) lapse on the approval of the estimates of the authority under section 63(7).

(3) Any expenditure incurred under this section shall be deemed to have been incurred in anticipation of the approval of the Minister of an estimate under section 63(7).

## **Sub-Part B \_ Power to borrow**

### **66. Purposes for which money may be borrowed**

(1) Subject to subsection (2), a local authority may, with the consent of the Minister, borrow such sums as may be required for \_

(a) acquiring any immovable property which it may require;

(b) erecting any building which it has power to erect;

(c) the execution of any permanent work, the provision of any plant or the doing of any other thing which it has power to execute, provide or do.

(2) In no case shall \_

(a) the total debt of a local authority exceed twice the amount of its revenue for the immediately preceding financial year; and

(b) loan charges, inclusive of principal and interest, exceed 20 per cent of the total revenue of the local authority for the financial year,

without the express written consent of the Minister.

## **67. Modes of borrowing**

(1) Subject to the other provisions of this section, a local authority may borrow money \_

(a) on the security of its revenues or other property, movable or immovable, or of any part thereof by mortgage or otherwise; or

(b) with the consent of the Minister, by way of debentures or bonds issued under this section.

(2) Any money borrowed under subsection (1)(b) shall be effected by means of an issue of debentures or bonds created, issued, transferred, dealt with and redeemed in such manner as may be specified in regulations made by the Council.

(3) Without prejudice to the generality of subsection (2), regulations made under this section may provide \_

(a) for the discharge of any loan raised by means of debentures; and

(b) for the payment of interest on money secured by debentures or bonds.

(4) A local authority may borrow by way of temporary loan or overdraft from a bank or any other institution, any sum not exceeding 5 million rupees or such other sum as may, from time to time, be specified in regulations made by the Minister, which it may temporarily require \_

(a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which these expenses are chargeable and taken into account in the estimates made by the local authority for that period;

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(b) for the purpose of defraying, pending the raising of a loan which it has been authorised to raise, expenses intended to be defrayed by means of the loan.

## **68. Repayment of money borrowed**

(1) A local authority shall repay any sum borrowed by way of mortgage by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund.

(2) Unless otherwise directed by the Minister, the payment of the first instalment or the first payment to the sinking fund shall be made \_

(a) in the case where the sum is repayable by half-yearly instalments, within 6 months; or

(b) in any other case, within 12 months,

from the date the sum was borrowed.

(3) Every sum borrowed shall, subject to subsections (1) and (2), be repaid within such period as the local authority may determine.

## **69. Balance of unutilised money**

The balance of any money borrowed by a local authority and not required for the purposes for which the money was borrowed may, with the consent of the Minister and subject to such conditions as he may impose, be applied to any other purpose which is of a capital nature.

## **70. Register of mortgages**

(1) The Chief Executive of a local authority shall keep a register at the office of the local authority in respect of mortgages created under this Act.

(2) The Chief Executive shall, within 14 days of the creation of any mortgage, enter into the register -

(a) the number and date of the mortgage;

(b) the names and descriptions of the parties to it;

(c) the amount borrowed, as stated in the deed; and

(d) such further information as the local authority may require.

(3) On production to the Chief Executive of the deed of mortgage, and \_

(a) a duly executed deed of transfer of the mortgage;

(b) on the death of a person solely entitled to it or of the survivor of persons jointly entitled to it, of satisfactory evidence establishing who are the heirs or parties entitled to apprehend the estate and succession of the deceased; or

(c) in the case of a transmission of a mortgage otherwise than as specified in paragraphs (a) and (b), of satisfactory evidence of the transmission,

the Chief Executive shall, on payment of any sum fixed by the local authority, enter in the register \_

(i) the date of the transfer or transmission; and

(ii) the name and description of the person becoming entitled to the mortgage.

(4) Any change of name or address on the part of a person entitled to a mortgage shall forthwith be notified to the Chief Executive who, on being satisfied of the change, shall alter the register accordingly.

(5) The register shall, during office hours, be opened to inspection, free of charge, by any registered elector of the local authority or any other interested party.

(6) The Chief Executive or any person having the custody of the register who

–

(a) refuses inspection of the register to any person; or

(b) refuses or wilfully neglects to make any entry in the register,

shall commit an offence and shall, on conviction, be liable \_

(i) in the case of an offence under paragraph (a), to a fine not exceeding 5,000 rupees; and

(ii) in the case of an offence under paragraph (b), to a fine not exceeding 10,000 rupees.

## **71. Return to be submitted to Minister**

(1) The Chief Executive shall, within one month of being so requested by the Minister, submit to the Minister a return showing the provisions made for the repayment of money borrowed by the local authority.

(2) The return shall be certified by the Chief Executive and the Financial Controller.

## **72. Powers of Minister in relation to return**

(1) Where it appears to the Minister that a local authority \_

(a) has failed to appropriate to the discharge of any amount borrowed under this Act, any sum required to be so appropriated;

(b) has failed to pay any instalment or annual payment required to be paid;

(c) has failed to set apart any sum required for a sinking fund; or

(d) has applied any portion of a sinking fund to a purpose other than that authorised,

he may issue a direction to the local authority that any sum not exceeding the amount in respect of which default has been made, be paid or applied, in such manner and by such date as he may specify in the direction.

(2) Any local authority to which a direction has been issued under subsection (1) shall, upon compliance of the direction, forthwith notify the Minister accordingly.

(3) A direction issued under subsection (1) may be enforced, at the instance of the Minister, by an order of mandamus issued by the Court.

### **Sub-Part C \_ Power to control State land and acquire land and buildings**

#### **73. State land at Champ de Mars**

(1) The Municipal Council of Port Louis shall be vested with the control and maintenance of the State land known as the Champ de Mars situate in the town and district of Port Louis.

(2) The Municipal Council shall not sell, lease, occupy or build on the Champ de Mars without the sanction of the President and shall ensure that no person occupies or builds on that land without the sanction of the President.

(3) The State may, at any time, on giving notice to the Municipal Council of Port Louis, resume its full rights over the whole or any part of the Champ de Mars.

(4) Any building and other property belonging to the Municipal Council of Port Louis which, at the time of resumption of the rights referred to in subsection (3), are to be found on the Champ de Mars, may be removed by order of the State.

## **74. State land at Guy Rozemont Square**

(1) The Municipal Council of Port Louis shall be vested with the control and maintenance of the 6 portions of State land situate at Guy Rozemont Square in the town and district of Port Louis, and described in the Sixth Schedule, and shall provide and maintain a proper and sufficient roadway on each side of Guy Rozemont Square for the purpose of access to the former War Department property and other property situate there.

(2) The Municipal Council of Port Louis shall maintain portion A of the Sixth Schedule as a roadway which shall bear the name of Decaen Street.

(3) The Municipal Council of Port Louis shall maintain portion F of the Sixth Schedule as a passage to be known as Bouvet Lane so as to give free access to the former War Department property.

## **75. Power to acquire, sell or exchange land and buildings**

(1) Subject to subsection (7), a local authority may, with the express consent of the Minister, acquire by way of compulsory acquisition, purchase, lease or exchange, any land wherever situate for the purpose of any of its functions under this Act or any other enactment, even if the land in question is not immediately required for such purpose.

(2) Any land acquired under this section may, until it is required for the purpose for which it was acquired, be held and used for any purpose falling within the functions of the local authority.

(3) No land shall be acquired by way of purchase or lease where the price or rent to be paid therefor exceeds that assessed by the Government Valuer.

(4) Subject to subsection (5), a local authority may, with the consent of the Minister \_

(a) sell any land or building it owns; or

(b) exchange any of its lands for other land, with or without "soulte".

(5) No land shall be sold or exchanged for a price which is below the market value of the land it is proposed to sell or exchange, as assessed by the Government Valuer.

(6) No land shall be acquired by way of exchange where the value of the land intended to be received in exchange is below the Government Valuer's assessment of the value of the land it is proposed to acquire.

(7) Any compulsory acquisition under subsection (1) shall be made on behalf of a local authority by Government in accordance with the Land Acquisition Act.

## **76. Lease granted by local authorities**

(1) No lease of any immovable property belonging to a local authority shall be granted or renewed for a period exceeding 3 years without the express written approval of the Minister.

(2) Any lease granted in breach of subsection (1) shall be null and void.

## **77. Use of capital money**

(1) Capital money received by a local authority in respect of a transaction under section 76 shall only be used for a purpose for which capital money may properly be used.

(2) Where capital money is used under this section for a purpose other than that for which the land, subject of the transaction, was held, the authority shall make in its accounts such adjustment as the Minister may direct.

## Sub-Part D \_ Local rate

### 78. Levy of local rate

(1) Subject to the other provisions of this section, an annual local rate may be levied on the owner of any immovable property situate in the rating area of a local authority.

(2) The local rate shall, unless the Council decides otherwise, be leviable in respect of one full year corresponding with the financial year of the Council.

(3) The local rate leviable shall be such percentage of the cadastral value of the immovable property as may be prescribed by the municipal council.

(4) Different percentages may be prescribed under subsection (3) for immovable properties of different cadastral values or depending on whether they are used for residential, business, commercial or industrial purposes.

(5) For the purposes of this section, immovable property or any part thereof, in respect of which the local rate is to be levied, shall be dealt with in such units as the valuer may determine.

(6) No local rate shall be leviable in respect of the immovable properties specified in Part I of the **Seventh Schedule**

(7) The Minister may, by regulations, prescribe that no local rate, or that only part thereof, shall, in any financial year, be levied in respect of immovable properties specified in Part II of the **Seventh Schedule**

(8) A Council may, subject to the approval of the Minister, remit the whole or part of the local rate payable by any person on account of poverty.

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(9) The Minister may require a Council to submit a return showing the names of the persons to whom a remission, either in whole or in part, has been granted under subsection (8), the amount remitted and the reasons for such remission.

(10) The municipal council of any district may prescribe that the local rate shall not apply to any dwelling place which, prior to the commencement of this Act, may have been built in such parts of the district which, under the Town and Country Planning Act, are zoned agricultural.

(11) Where, at the commencement of this Act, a general rate is being levied in respect of any property on the basis of its net annual value, such general rate shall continue to be so levied in accordance with the Local Government Act 1989, notwithstanding its repeal, until such time as the cadastral value of the immovable property is determined in accordance with this Act.

#### **79. Fixing of rate**

The municipal council may, in respect of every financial year, fix the percentages of the local rate to be levied in respect of immovable properties so as to ensure that the total sum collected is likely to be sufficient to provide for such part of the total estimated expenditure which, in its view, should, during the period in respect of which the local rate is in force, be met out of money raised by way of local rate and such additional amount required to cover expenditure previously incurred or to meet any contingencies.

#### **80. Cadastral value**

The annual local rate payable in respect of an immovable property shall be calculated by reference to the property's cadastral value, as determined from time to time.

## **81. Rate due and payable**

(1) The local rate leviable under section 78 shall, in respect of every financial year, be due on 1 July and shall, subject to subsection (2), be payable in 2 equal instalments, the first one on or before 31 July in that year and the second one on or before 31 January next ensuing.

(2) The Financial Controller, may, on a written application being made to him, authorise that the local rate be paid without any surcharge, by bank standing order, in not more than 12 consecutive equal instalments during any financial year.

(3) The local rate shall be due and payable notwithstanding the fact that the ratepayer may not have received a notice for payment thereof under section 90.

## **82. Surcharge for late payment of local rate**

(1) Where any local rate is not paid within the periods specified in section 81(1), the owner of the immovable property shall, subject to section 81(2), be liable to pay, in addition to the local rate, a surcharge representing 10 per cent of the local rate remaining unpaid.

(2) Where, for any reason whatsoever, an instalment payable in the manner specified in section 81(2) is not effected within the date it is due, the ratepayer shall be liable to pay, in addition to the sum so due, a surcharge of 10 per cent on the instalment which should have been paid.

(3) The date upon which any surcharge has been added shall be clearly indicated in any notice relating to the payment of the local rate.

## **83. Interest**

Where any sum due for rates or surcharge is not paid in the financial year in which it becomes due and payable, it shall carry interest at the rate of 15 per cent per annum or such other rate as may be specified in regulations made by the Minister until such time as it is paid.

**84. Inscribed privilege**

(1) The local authority shall have, in respect of rates, fees and other charges of any kind remaining unpaid to the local authority under this Act and so long as the unpaid amount is not paid in full or the liability is not discharged, a privilege on all immovable properties belonging to the person by whom the unpaid amount is payable.

(2) Where the Financial Controller of a local authority thinks it necessary for securing the recovery of any unpaid amount to the local authority under this Act to inscribe the privilege provided for under subsection (1), he shall deposit with the Conservator of Mortgages 2 identical memoranda in such form as may be prescribed and shall forthwith notify the person by whom the amount is payable, of the deposit of the memoranda.

(3) The Conservator of Mortgages shall, upon deposit of the memoranda, inscribe the privilege generally on all immovable properties belonging, or which may subsequently belong, to the person by whom the amount is payable, and shall return one of the memoranda to the Financial Controller with a statement written or stamped on it to the effect that the privilege has duly been inscribed.

(4) Where a privilege is inscribed under this section, it shall take effect from the date of the inscription.

(5) Where any amount in respect of which an inscription has been taken under this section is paid in full or the liability is discharged, the Financial Controller shall forthwith send to the Conservator of Mortgages a request in such form as may be prescribed to erase the inscription.

(6) The inscription of a privilege under this section shall be erased by the Conservator of Mortgages at the request of the Financial Controller.

(7) Any inscription or erasure of inscription which is required to be taken or made under this section shall be free from stamp duty under the Stamp Duty Act or registration dues leviable under the Registration Duty Act or any other costs.

## **85. Uninscribed privilege**

(1) The rates, fees and other charges levied by a local authority under this Act shall be privileged and the privilege shall rank immediately after the privileges enumerated in Articles 2148 and 2152 of the Code Napoleon and shall operate independently of, and without the necessity for, inscription upon any immovable or movable property belonging to the person owing the rates, fees and other charges, as the case may be.

(2) Nothing in this section shall affect the rights granted to a local authority by the Attachment (Rates and Taxes) Act and the Courts (Civil Procedure) Act.

## **86. Recovery of local rate**

(1) Subject to the other provisions of this section, the Financial Controller shall, within one year of the date on which the local rate becomes due, take action for the recovery of the rate by summary process as provided for in subsection (4).

(2) Where any instalment payable under section 81(2) is not paid within 14 days of the date on which it falls due, the Financial Controller shall take action for the recovery of the instalment overdue together with any surcharge and the remaining instalments.

(3) The Financial Controller shall be held personally responsible for any failure, without reasonable excuse, to start proceedings for recovery of any sum due by summary process within the time provided for in subsection (1).

(4) Subject to subsection (5), all rates, fees and other charges of any kind due to a local authority under this Act, shall be recoverable by summary process in the manner provided for by the Recovery of State Debts Act.

(5) Any act or thing which, under the Recovery of State Debts Act, is to be done or performed by the Accountant-General, shall, for the purposes of subsection (4), be done or performed by the Financial Controller.

(6) No other enactment relating to the limitation of action shall bar or affect any action or remedy for the recovery of any rates, fees and other charges payable under this Act.

**Sub-Part E \_ Cadastral database, valuation and  
notice for payment of local rate**

## **87. Cadastral database**

(1) Every local authority shall keep and maintain a cadastral database of all immovable properties situate in the rating area of the local authority and which shall consist of the entries specified in subsection (2), kept on computer or such other electronic device at the office of the Chief Executive.

(2) The entries referred to in subsection (1) shall include in respect of each immovable property -

(a) the full name and address of the owner;

(b) a brief description of the immovable property including particulars of transcription, extent of land, area of building in square metres and its location including the street name;

(c) an indication as to whether the building is for residential, business, commercial or industrial purposes;

(d) the net annual value and the general rate payable under the repealed Local Government Act 1989;

(e) where, at the commencement of this Act, an immovable property does not appear on the cadastral list under the repealed Local Government Act 1989, its annual value under that repealed enactment as ascertained by the local authority;

(f) the cadastral value of the immovable property as determined by the local authority; and

(g) such other particulars as may be required by the Chief Executive.

(3) The owner of any immovable property shall forthwith notify the local authority in writing, on such form as may be specified, of any additions, improvements or alterations made thereto.

(4) On receipt of a notification under subsection (3), the Chief Executive shall cause an appropriate entry to be made immediately in the cadastral database.

(5) Subject to subsection (6), any person may, on payment of such fees, and on such conditions as may be prescribed by the Council, have access to the cadastral database.

(6) Any Ministry, Government Department or local authority shall be exempt from the payment of the fees specified in subsection (5).

(7) Any person who fails to comply with subsection (3) shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees and not more than 25,000 rupees.

## **88. Declaration of particulars of premises**

(1) For the purposes of keeping and maintaining the cadastral database, the Chief Executive may -

(a) on receipt of a notification under section 87(3);

(b) from information obtained from the Permits and Licences Committee;

(c) from the regular survey of immovable properties carried out by the local authority; and

(d) on the basis of information relating to immovable properties obtained from any other source,

cause to be served on the owner of any premises in the area, a notice requiring the owner to make a declaration containing such particulars as he may reasonably require.

(2) Every person on whom a notice is served under subsection (1) shall, within 21 days of the service of the notice, make the declaration in such form as is required in the notice and deliver it in the manner so required to the Chief Executive.

(3) Any person who, without reasonable excuse, fails to comply with a notice served under this section or supplies information likely to mislead the Chief Executive shall commit an offence and shall, on conviction, be liable to a fine of not less than 3,000 rupees and not more than 10,000 rupees.

(4) Where a person is convicted of an offence under subsection (3), he shall, in addition to any fine imposed under that subsection, be ordered by the court to make the declaration within such time as the court may determine.

(5) Any person who, in a declaration made under this section, makes a statement which he knows to be false in a material particular

or recklessly makes a statement which is false in a material particular, shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees and not more than 25,000 rupees and to imprisonment for a term not exceeding 12 months.

**89. Ascertainment of value of immovable property**

(1) The valuer shall ascertain, in respect of any immovable property in the rating area of a local authority, the cadastral value of the property.

(2) Every valuation under subsection (1) shall include the basis of the valuation of the cadastral value.

(3) For the purposes of ascertaining the value of an immovable property under this section, the valuer or any person duly authorised by him in writing, may, at all reasonable times and after giving not less than 48 hours' notice in writing, enter on, survey and value, any immovable property in the area for which the valuer acts.

(4) The valuer shall every month submit to the Chief Executive the values of the immovable properties ascertained by him.

(5) The Chief Executive shall, after examination of the list of immovable properties submitted by the valuer, cause the list to be laid before the Council at the earliest opportunity.

(6) The Council shall consider and approve the list of immovable properties under subsection (5).

(7) Upon approval under subsection (6), the Financial Controller shall forthwith \_

(a) cause the appropriate entries to be made in the cadastral database; and

(b) notify the ratepayer of the amount of local rate payable in the manner specified in section 90.

(8) Any person who wilfully delays or obstructs any person in the exercise of any of his powers under subsection (3) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

## **90. Notice for payment of local rate**

(1) Any notice for the payment of local rate shall specify \_

(a) the location of the immovable property in respect of which the notice is issued and such description as may be reasonably necessary for the purpose of its identification;

(b) the period in respect of which the rate is payable;

(c) the value of the property;

(d) the percentage at which the rate is charged;

(e) the amount of rate payable; and

(f) any amount claimed by way of surcharge or interest for late payment.

(2) Service of any notice or other documents relating to the ascertainment, levy and payment of the local rate and required to be served on the ratepayer shall be validly effected if \_

(a) delivered personally to the person on whom it is to be served;

(b) left at or forwarded by registered post to his usual or last known place of abode and, in the case of a company or *société*, its registered office;

(c) delivered to some person of age, on the premises to which it relates or, where there is no such person on whom it can be so delivered, posted on some conspicuous part of the premises; or

(d) without prejudice to paragraphs (a) to (c) where the property to which the notice or document relates is a place of business of the person on whom it is to be served, if left at or forwarded by registered post addressed to the person at the said place of business.

(3) The owner of any property shall give to the Council in whose rating area the property lies, notice of any change of his residential or business address.

(4) Any person who fails to notify the Council of a change of address within one month of the date on which it is so effected shall commit an offence and shall, on conviction, be liable to a fine of not less than twice, and not more than thrice the amount of annual local rate payable by him at the time of the offence.

(5) Notwithstanding anything to the contrary in any other enactment, the Magistrate of the district in which the property lies shall have jurisdiction to impose the penalty provided by subsection (4).

(6) Any notice or other document relating to the levy and payment of the local rate and required to be served on the owner of any premises, may be addressed by the description of "The owner" of the premises (naming the premises) without further name or description.

**91. Constitution of Local Government Valuation Tribunal**

(1) There shall be established for the purposes of this Act a Local Government Valuation Tribunal.

(2) The Tribunal shall consist of \_

(a) a Chairperson who shall be a person with not less than 10 years' standing at the Bar, holding or having held judicial office, and who shall be appointed for a term of 5 years by the President, after consultation with the Judicial and Legal Service Commission; and

(b) 2 members to be chosen, in such manner as may be prescribed, from a panel of 6 persons appointed by the President.

(3) The President, acting on the recommendation of the Minister, may revoke the appointment of the chairperson or any member.

#### **92. Appeal to Local Government Valuation Tribunal**

(1) Subject to subsection (2), any ratepayer who is aggrieved by a notification under section 90 may, within 28 days of the date of the notice, lodge a written notice of appeal to the valuation with the Secretary of the Local Government Valuation Tribunal, stating the grounds of the appeal.

(2) Where a ratepayer has failed to appeal to the Tribunal within the time specified in subsection (1) and the Tribunal is satisfied that his failure was due to illness or other reasonable cause, the Tribunal may, subject to subsection (3) and to such conditions as it thinks fit to impose, hear an appeal lodged outside the prescribed time-limit.

(3) Notwithstanding an appeal under this section, the ratepayer shall pay the amount of local rate specified in the notice under section 90 within the time specified therein, and that amount shall be recoverable under section 86.

#### **93. Proceedings of Tribunal**

(1) The Tribunal shall sit at such place and at such time as the Chairperson may decide.

(2) Where the Tribunal adjourns any proceedings, it may resume them at such place and at such time as the Chairperson may determine.

**(3) The Tribunal shall, subject to such regulations as may be made by the Minister, regulate its proceedings and shall \_**

**(a) sit in public;**

**(b) make such orders it considers necessary to secure the attendance of persons and the production of articles or documents;**

**(c) take evidence on oath and shall, for that purpose, have power to administer oaths.**

**(4) Any person who \_**

**(a) fails to attend a sitting of the Tribunal after having been required to do so under subsection (3);**

**(b) refuses to take an oath before the Tribunal; or**

**(c) after taking the oath, fails to answer fully and sincerely to the best of his knowledge and belief any question lawfully put to him or to produce any article or document when required to do so by the Tribunal,**

**shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.**

#### **94 Determination of Tribunal**

**(1) On the hearing of an appeal, the Tribunal may confirm, amend or cancel the decision of the Council.**

**(2) Where there is a disagreement among the members of the Tribunal, the decision of the majority of the members shall be deemed to be the determination of the Tribunal.**

**(3) Subject to section 96, a determination of the Tribunal shall be final and binding on the parties.**

**95. Agreement between appellant and Council**

Where, pending determination of an appeal by the Tribunal, a written agreement is reached between the appellant and the Council regarding the valuation of the immovable property of the appellant, the agreement shall be deemed to be a determination of the Tribunal.

**96. Appeal to Supreme Court**

(1) Any party who is dissatisfied with a determination of the Tribunal as being erroneous in law may, within 21 days of the determination, by notice in writing, require the Tribunal to state and sign a case for the opinion of the Supreme Court.

(2) An appeal under this section shall thereafter be prosecuted in the manner provided for an appeal by way of case stated.

**Sub-Part F \_ Permits and licences**

**97. Permits and Licences Committee**

(1) There shall be established for the purposes of this Part in every local authority, a committee to be known as the Permits and Licences Committee, which shall consist of the Chief Executive or his representative as Chairperson and 4 heads of the relevant departments of the local authority, designated by the Chief Executive.

(2) The Chief Executive shall also designate an officer of the local authority to act as Secretary to the Committee.

(3) The Committee -

(a) shall meet as often as is necessary and at such time and place as the Chairperson of the Committee may decide;

(b) shall regulate its meetings in such manner as it thinks fit.

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## **98. Powers and functions of Permits and Licences Committee**

(1) The authority for execution of the Building Act and Town and Country Planning Act shall be the local authority of the respective town or district where the relevant building, structure or tenement is to be found or where the land is to be developed.

(2) The Permits and Licences Committee shall act as a one-stop service for the processing of the applications for permits and licences.

(3) The Committee shall disseminate clear and transparent guidelines for the application, processing and issue of permits and licences.

(4) The guidelines under subsection (3) shall be in terms of the requirements of the law, the procedures to be adopted and shall be in accordance with \_

(a) the guiding principles and plans for land development and planning laid down and published by the Ministry responsible for the subject of lands;

(b) the guidelines published \_

(i) by the Morcellement Board under the Morcellement Act;

(ii) for the purposes of development permits under the Town and Country Planning Act and building permits under the Building Act;

(iii) by Police, Fire Services, Sanitary Authority and any other relevant Ministry and Government Department in respect of the necessary clearances and authorisations relating to the permits referred to in subparagraph (ii); and

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(c) the guidelines published by the Council of the local authority relating to municipal licences, permits or authorisations under this Act or any regulations made thereunder.

(5) Subject to section 105, the Committee shall \_

(a) examine, process and approve applications for permits and licences in accordance with the guidelines referred to in subsections (3) and (4); and

(b) issue under the authority of the Chief Executive \_

(i) development permits under the Town and Country Planning Act;

(ii) permits under the Building Act; and

(iii) municipal licences and other permits or authorisations under this Act or any regulations made thereunder.

(6) The Minister may make regulations to prescribe \_

(a) those classified trades in respect of which the Committee shall seek a certificate of no objection from the Police, Fire Services, Sanitary Authority or any other Ministry or Government Department, as the case may be, before granting a licence, permit, or authorisation under this Act or any regulation made thereunder;

(b) the conditions under which a classified trade shall be conducted;

(c) the structural requirements of premises used for carrying on a classified trade, and the

provision of appliances in them for securing the safety of the employees and of the public;

(d) the precautions to be taken in keeping and storing inflammable, explosive or other dangerous material;

(e) the sanitary conditions under which any classified trade may be conducted;

(f) the conditions under which a street vendor shall exercise his calling; and

(g) such other conditions as he deems necessary for the purposes of this Act.

(7) Any regulations made under subsection (6) may provide that any person who contravenes them shall commit an offence, and shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years.

## **99. Disclosure of interest**

(1) Where any member of the Committee or his spouse or next of kin has any direct or indirect interest in relation to any matter before the Committee, he shall -

(a) disclose, at or before the meeting convened to discuss that matter, the nature of his interest; and

(b) not take part in any deliberation or any decision-making process in relation to that matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the committee.

(3) Any person who fails to comply with the requirements of subsection (1) shall commit an offence and shall on conviction be liable to a fine not exceeding 10,000 rupees and to a term of imprisonment not exceeding 2 years.

## **100. Application for permits**

All applications for permits under the Building Act or development permits under the Town and Country Planning Act shall be forwarded to the Chief Executive who shall refer same to the Permits and Licences Committee.

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### **101. Due date for payment of licence fees**

Any licence fees payable under section 103 in respect of any financial year shall be due on 1 July of that year and shall be paid \_

(a) at the time of issue of the licence; and

(b) in respect of every subsequent financial year, not later than 15 days after the expiry of the licence.

### **102. Surcharge for late payment of licence fees**

A surcharge of 50 per cent shall be leviable on any amount not paid within the period specified in section 101(b).

### **103. Obligation to take out municipal licence**

(1) Without prejudice to the provisions of any enactment providing for the licensing of any particular trade, business, profession or calling, no person shall carry out, by himself or through an agent, any classified trade within the administrative area of a local authority unless \_

(a) he is the holder of a municipal licence issued under this Act authorising him to do so; and

(b) he has paid the licence fees prescribed by the municipal council for the relevant licence.

(2) Any person carrying on, practising or exercising more than one of the trades, businesses, professions or calling or activities specified in the Eighth Schedule shall take out a licence or permit in respect of every such trade, business, profession, calling or activity.

(3) The licences under this section and the fees prescribed by the Council under subsection (4) shall be in addition to, and not in derogation from, any licence and fees prescribed in any other enactment.

(4) A Council may, by regulations, provide for the payment of \_

(a) fees, dues or other charges in respect of the activities specified in Part I of the Eighth Schedule or fees for the grant of permits in respect of the activities specified in Part II of the Eighth Schedule;

(b) fees for the grant of permits in respect of activities specified in the Schedule to the Building Act.

(5) The publication in the Gazette of regulations made by a council for the purposes of this Part shall not require the approval of the Minister.

(6) Any person who fails -

(a) to take out any licence or permit which he is required to take out; or

(b) to pay any fees, dues or charges which he is required to pay,

under any regulations made pursuant to this section shall commit an offence and shall, on conviction, be liable to a fine of not less than 1,000 rupees and not more than 5,000 rupees together with the fees, including the surcharge under section 102, dues or charges which he is required to pay.

#### 104. Application for licences

(1) Every application for a permit or licence under this Act shall be made in writing in such form as may be approved by the relevant Council.

(2) Every application for permit or licence, together with such information, particulars and documents as may be specified in the application form, shall be addressed to the Chief Executive who shall refer the applications to the Permits and Licences Committee.

**105. Examination of applications for permits and licences by committee**

(1) The Chief Executive shall, at every meeting of the Council, submit to the Council a list of all applications received under section 100 or 104 since the last meeting.

(2) The Permits and Licences Committee shall examine the applications under section 100 or 104 to verify whether they comply with section 98(4).

(3) Where the Committee considers that an application complying with section 98(4) needs to be referred to the Police, Fire Services, Sanitary Authority or any other relevant Ministry or Government Department for its views, it shall do so within 2 weeks of the effective date of the receipt of the application.

(4) Where the Committee considers that an application already submitted to the Council under subsection (1) needs not to be referred to the Police, Fire Services, Sanitary Authority or any other Ministry or Government Department under subsection (3), it shall grant the licence or permit immediately, as provided in section 98(5).

(5) Where an application under section 100 or 104 does not comply with section 98(4), the Committee shall, within a delay of not more than 3 weeks of the receipt of the application, notify the applicant in writing of the reasons therefor.

(6) Unless the Chief Executive receives a certificate of objection from the Police, Fire Services, Sanitary Authority, or any other relevant Ministry or Government Department within a period not exceeding 4 weeks of the date the matter is referred to any of them under subsection (3), the Chief Executive shall, without having to refer the matter again to the Council, grant the licence or permit applied for.

(7) The Chief Executive shall grant the licence or permit subject to such terms and conditions as it considers fit in the interests of the environment, public health, public order or public safety.

(8) Where the Committee refuses to grant a development permit under the Town and Country Planning Act or a building permit under the Building Act, the Committee shall, within 6 weeks of the effective date of receipt of the application, give notice in writing to the applicant setting out the reasons therefor.

(9) Where, within the period specified in subsection (6), the Police, Fire Services, Sanitary Authority or other relevant Ministry or Government Department objects to the grant of a licence or permit, the Chief Executive shall, not later than 5 days after receiving the objection, communicate same, by registered post, to the applicant.

(10) For the purposes of this section, "effective date", in relation to an application, means the date by which all the information, particulars and documents specified in the application form are submitted.

## **106. Application to Judge in Chambers**

**(1) Any applicant for a municipal licence may, within 30 days of the date on which the objection is posted to him under section 105(9), apply to the Judge in Chambers for a summons calling upon the Police, Fires Services, Sanitary Authority or other relevant Ministry or Government Department, as the case may be, to show cause why his application should not be granted.**

**(2) Where, pursuant to section 105(6), a licence or permit is granted without a certificate of no-objection, and the Police, Fires Services, Sanitary Authority or other relevant Ministry or Government Department considers that public health, public order or public safety may be jeopardised if the licence is allowed to remain in force, it may apply to the Judge in Chambers within a reasonable time for a summons calling on the holder of the licence or permit to show cause why his licence or permit should not be revoked.**

**(3) Any applicant for a development permit under the Town and Country Planning Act or a building permit under the Building Act may, within 30 days of the date on which the notice of refusal under section 105(8) is given, apply to the Judge in Chambers for a summons calling upon the local authority to show cause why his application should not be granted.**

**(4) An application to the Judge in Chambers under subsection (1), (2) or (3) shall be made in the presence of the local authority, and the decision of the Judge in Chambers shall be final and conclusive.**

(5) The Judge may grant any application on such terms and conditions as he may deem fit or reject it.

**107. Forms and conditions of licence**

**(1) A licence shall be in such form as may be approved by the relevant Council.**

(2) A licence shall be issued subject to such conditions as the local authority may decide and shall be valid as from the date of issue up to the end of the financial year.

**(3) A licence shall not be transferable but the heirs of a deceased licence holder may continue to use his licence for a maximum period of one year.**

(4) A fresh licence shall be required if a licensee transfers his classified trade from one place to another or if there is a change in the condition of the premises in which the trade is being carried on.

(5) Where the local authority has reasonable grounds to suspect that any licensee has transferred, assigned or sublet a licence or is not the true licensee, the local authority may revoke the licence and no refund shall be made or compensation paid in respect of the unexpired portion of the licence period.

(6) Any person who loses his licence may, on satisfactorily accounting to the local authority for such loss, obtain a duplicate licence on payment of a fee of 200 rupees or such other sum as may be prescribed.

(7) Every licensee shall exhibit his licence in a conspicuous place on the premises specified in it.

**(8) Every street vendor shall at all times carry his licence.**

**108. Right of entry and control**

(1) Where a classified trade is carried on, or is reasonably suspected of being carried on, in any premises within the administrative area of a local authority \_

(a) a municipal inspector or any other officer authorised by the Chief Executive;

(b) a medical officer or any inspector of the Ministry responsible for the subject of health;

(c) any police officer in uniform; or

(d) a veterinary officer of the Ministry responsible for the subject of agriculture;

(b) any authorised public officer ,

may, for the purposes of this Act, enter on and inspect the premises and request from any person in charge, or ostensibly to be in charge, of the premises, the production of the licence or permit.

(2) Any person who -

(a) refuses or neglects to produce a licence or permit on demand of any person authorised under subsection (1) or obstructs, molests, insults or hinders any such person;

(b) uses the premises for the purpose of a classified trade without being granted a licence for it;

(c) fails to comply with any condition of the licence or permit or with any other prescribed condition,

shall commit an offence and shall, on conviction, be liable to a fine of not less than 2,000 rupees and not more than 5,000 rupees and to imprisonment for a term not exceeding 2 years.

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(3) Any officer referred to in subsection (1)(a) shall report to the Chief Executive any contravention relating to a classified trade not later than 5 days after detecting same.

(4) Any officer referred to in subsection (1)(a) who contravenes subsection (3) shall commit an offence and shall, on conviction, be liable to a fine of not less than 2,000 rupees and not more than 5,000 rupees for each offence.

### **109. Closing order pending judgment**

(1) The Chief Executive or any officer authorised by him in writing, may make a provisional closing order in respect of any premises where he is satisfied that \_

*(a) the premises have been used for the purpose of a classified trade without being licensed for it;*

*(b) the licensee has failed to comply with any condition of his licence or any other prescribed condition; or*

*(c) the business of the licensee has been conducted in such a way as to be a danger to public health, public order or public safety.*

(2) The closing order shall remain in force until a final judgment has been given by the Court in the proceedings brought on account of the alleged offence, but the Chief Executive may revoke a closing order made by him or under his authority.

(3) A closing order may authorise any of the persons mentioned in section 108(1) to enter the premises to which it refers and remove or seal up any goods found on it and to take such other steps as may be necessary to secure compliance with the order.

(4) In addition to any penalty or fine, the Court may order the closing of any premises in respect of which no licence has been obtained, or on which there has been a contravention of the conditions

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of a licence or of any other prescribed condition or on which the business of a licensee has been conducted in such a way as to be a danger to public health, public order or public safety.

**110. Carrying on trade after closing order**

Any person who carries on a classified trade in premises which have been closed by order of the Court or of the Chief Executive, shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees and not more than 25,000 rupees together with imprisonment for a term not exceeding 2 years.

**111. Renewal of licence or permit**

The Chief Executive may renew any licence or permit under this Act without having to refer the matter to the Permits and Licences Committee, the Chief Fire Officer, Commissioner of Police or the Sanitary Authority unless there is objection from any competent authority.

**112. Cessation or transfer of business**

Where a person intends to cease or transfer his business, he shall, within 15 days of the cessation or transfer, give notice in writing thereof to the Chief Executive and return all his licences and permits.

**Sub-Part G \_ Admission charge**

**113. Levy of admission charge**

(1) Subject to the other provisions of this Sub-Part, a local authority may levy an admission charge on all payments made by the public, or any particular section of the public for admission (droit d'entrée) to any park, site, garden, zoo, fair, seaside resort, hotel,

exhibition hall, reception hall, theatre, cinema hall, car park, discothèque, night club or such other place as may be prescribed within its administrative boundaries.

(2) The admission charge leviable under subsection (1) shall be an amount representing 10 per cent, or such other percentage as may be prescribed, of the sum paid for admission.

(3) The owner of any place to which members of the public are admitted on payment of any fee, charge or ticket shall pay the admission charge leviable under subsection (1).

(4) The owner of any place specified in subsection (3) shall not admit to such place any person against payment of any fee, charge or ticket, unless he has made arrangements with the local authority for furnishing returns of the payments so made for admission and has furnished to the authority such security as it may request.

(5) Any person who contravenes subsection (4) shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees and not more than 50,000 rupees and shall, in addition, be liable to pay any sum which should have been paid by way of admission charge.

(6) Where the local authority is satisfied that the whole of the net proceeds of an entertainment or show are devoted to philanthropic or charitable purposes, and that the whole of the expenses of the entertainment or show does not exceed 50 percent of the receipts, it may repay to the owner of the place where such entertainment or show is organised the admission charge paid in respect of the entertainment or show.

(7) (a) Where the payment for admission to a place is made by means of a lump sum paid as a subscription or contribution to any club, association, or society, or

for a season ticket or for the right of admission to a series of entertainments or shows or to any entertainment or show during a certain period of time, the admission charge shall be paid on the amount of the lump sum.

*(b)* Where the local authority is satisfied that the payment of a lump sum or any payment for admission to a place represents payment for other privileges, rights or purposes besides admission to the place, the admission charge shall be levied on such amount as appears to the local authority to represent the right of admission in respect of which admission charge is payable.

**(8)** Admission charge shall be privileged to the same extent and subject to the same conditions as the local rate to which, for all practical purposes, it shall be assimilated.

#### **114. Relief from admission charge**

**(1)** Admission charge shall not be charged on payments for admission to an entertainment or show where it is proved to the satisfaction of the local authority \_

*(a)* that the entertainment or show is provided by a society which is not established or conducted for profit;

*(b)* that the whole of the takings of the entertainment or show are devoted to philanthropic or charitable purposes without any charge on the takings for any expenses for the entertainment;

*(c)* that the entertainment or show is of a wholly educational character;

(d) that the entertainment or show is provided by a society, institution, or committee which is not established for profit and whose aims, objects and activities are partly educational;

(e) that the entertainment is provided by the Trust established under the Sugar Industry Efficiency Act 2001 or a company wholly owned by the Trust; or

(f) that the entertainment or show is provided by or on behalf of a school or other educational institution which is not conducted or established for profit and that the entertainment or show is provided solely for the purpose of promoting some object in connection with the school or institution.

(2) Where the local authority is satisfied that the conditions for relief from admission charge specified in subsection (1) are largely, though not totally, fulfilled, the local body may levy an admission charge of less than 10 percent on the payment for admission to the entertainment or show.

(3) A local authority may, with the consent of the Minister, relieve the owner of any place from the payment of admission charge in respect of any particular event or occasion.

## **115. Powers to ensure compliance**

A municipal inspector or any officer authorised in writing by the Chief Executive for that purpose, may enter any place where members of the public are usually admitted on payment of a fee, charge or ticket to ascertain whether the provisions of this Sub-Part are being complied with.

## **116. Keeping of accounts**

(1) Every local authority shall keep true and regular accounts of \_

(a) all money received and paid on its account; and

(b) the purposes for which the money may have been received or paid.

(2) The accounts of an authority shall, at all reasonable times, be open to the inspection of the Director of Audit.

## **117. Accounts to be made and audited yearly**

(1) All accounts of a local authority shall \_

(a) be subject to audit by the Director of Audit;

(b) be made up yearly to the end of the financial year; and

(c) be submitted to the Director of Audit within 4 months of the end of the financial year.

(2) The local authority shall pay in respect of the audit of its accounts such fees as the Minister may, after consultation with the authority, determine.

(3) Where, through the negligence or misconduct of an officer responsible to keep the accounts which ought to be comprised in the statement of accounts, the local authority is unable to comply with subsection (1), the officer shall be deemed to have committed an offence.

(4) Notwithstanding the recovery of any fine under subsection (3), compliance with this section may be enforced, at the instance of the Minister, by mandamus.

## **118. Deposit of accounts**

(1) A copy of every account which is subject to audit by the Director of Audit, duly made up and balanced, together with all rate books, account books, deeds, contracts, accounts, vouchers and receipts relating to such account, shall be deposited in an appropriate office of the local authority and shall, for 7 clear days before it is produced and submitted to the Director of Audit, be open at all reasonable hours to the inspection of all persons interested who may make copies of or extracts from the deposited documents.

(2) Any officer of a local authority, duly appointed in that behalf, who \_

(a) neglects to make up the accounts and books specified in subsection (1);

(b) unlawfully alters, or allows to be altered, the accounts and books when so made up and deposited; or

(c) when having the custody of such accounts and books, refuses to allow inspection of them,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

(3) Every local authority shall every year before the audit of its accounts by the Director of Audit, by advertisement in 2 or more daily local newspapers, give not less than 14 days' notice of the deposit of accounts required by this section, and the production of the newspaper containing the notice shall constitute proof of the publication of same.

## **119. Production of documents**

(1) The Director of Audit may, by writing under his hand, request \_

(a) the production of all Council minutes, books, deeds, contracts, accounts, vouchers, receipts and other documents which he thinks necessary for the purpose of the audit;

(b) any person holding or accountable for any such document, to appear before him at the audit or any adjournment of same; and

(c) any person referred to in paragraph (b), to make and sign a declaration as to the correctness of the document.

(2) Any person who neglects or refuses to comply with any request made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees.

## **120. Right of objection**

Any elector for the area of a municipal council may make an objection to the accounts to the Director of Audit, stating the grounds of his objection.

## **121. Report on accounts**

(1) The Director of Audit shall report on the accounts audited and examined and shall certify the correctness of the statement of accounts referred to in section 117, subject to any qualification he may include in his report.

(2) The Director of Audit shall report on \_

(a) any item of account which, in his opinion, is contrary to law;

(b) any loss or deficiency which, in his opinion, is wholly or partly due to the negligence or misconduct of any person;

(c) any sum which, in his opinion, ought to have been so brought to account but which, due to wilful default or negligence, has not been brought into account;

(d) any order signed or payment made contrary to sections 60, 61 and 62; and

(e) any failure to recover any rates, fees or other charges in the manner specified in section 86.

(3) The report under subsection (1) shall state whether the instructions of the Minister, if any, in regard to the statement have been complied with.

(4) The Director of Audit shall address to the Minister and to the local authority a copy of the certified statement of accounts and his report.

(5) The authority shall consider the report of the Director of Audit at its next ordinary meeting or as soon as practicable thereafter.

## **122. Publication of audited accounts**

(1) The Chief Executive shall cause the balance sheet and revenue and expenditure account as finally certified and the report of the Director of Audit in respect of same to be published in the Gazette within 14 days of their receipt by the local authority.

(2) Any Chief Executive who fails to comply with subsection (1), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

## **123. Powers of Minister**

The Minister shall \_

(a) direct a local authority to provide him, within such time as he may specify, such additional information as he may require in respect of any item referred to in section 121;

(b) direct that the whole or part of any amount referred to in section 86 and which has not been claimed in the manner provided by that section be refunded or paid to the local authority by the officer responsible for same.

## **124. Recovery of sums by local authorities**

Any sum payable under section 123 shall be recoverable in the manner provided by section 86, except that where the sum is to be recovered from the Financial Controller, the duties which, pursuant to section 86, are to be performed by the Financial Controller shall be performed by the Chief Executive.

## **125. Inspection of books, accounts and documents**

(1) Any person duly authorised in writing by the Minister, hereinafter referred to as the Inspector, may inspect the books, accounts, vouchers, deeds, contracts, receipts and all other documents of a local authority.

(2) Every local authority shall, within such time as may be fixed by the Inspector, provide him with such information as he may request for the purpose of carrying out his inspection.

(3) For the purpose of obtaining further information in respect of the affairs of any local authority, the Inspector may, by notice given to the Chief Executive, require the local authority to allow him to inspect any of the documents specified in subsection (1) within such time as he may indicate.

(4) Any Chief Executive who neglects or refuses to comply with any request of an Inspector made under subsection (3) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

## **126. Abandonment of revenue**

Subject to any regulations made by the Minister, no claim for arrears of revenue shall be abandoned and no loss of revenue shall be written off except with the express written permission of the Minister.

## **127. Returns to be furnished by local authorities**

(1) Subject to any specific provision of this Act relating to the furnishing of returns, a local authority shall furnish to the Minister such returns concerning its revenue and expenditure at such times and with such particulars as the Minister may determine.

(2) Where an authority fails to comply with a request made under subsection (1) within such time as may be fixed by the Minister, the Chief Executive shall, unless he proves that the failure was beyond his control, commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees.

## **PART VII \_TENDER PROCEDURES**

### **128. Contracts of local authorities**

(1) No local authority shall enter into any contract the estimated value of which is 1 million rupees or more for the discharge of its functions without the approval of the Central Tender Board.

(2) Subject to the other provisions of this section, any tender, the estimated value of which is less than one million rupees, may be called, received, considered and approved by a local authority without any reference to the Board provided such tender has been approved by the Municipal Tender Committee which shall comprise \_

(a) the Chief Executive or his Deputy, who shall act as Chairperson;

(b) the Financial Controller or his Deputy; and

(c) one senior officer in charge of any department other than that of the Chief Executive or the Financial Controller.

**(3) The Municipal Tender Committee shall call for selective tenders \_**

**(a) for a contract the value of which is more than 200,000 rupees but less than one million rupees;**

**(b) where the value of any single item is more than 200,000 rupees or such other sum as may be prescribed;**

**(c) for a contract referred to in subsection (4) where the value is more than 200,000 rupees or such other sum as may be prescribed.**

**(4) Subject to subsection (5), the Chief Executive may, without inviting a tender, authorise \_**

**(a) a contract for the purchase of any single item for a total amount of not more than 200,000 rupees or such other sum as may, from time to time, be prescribed; and**

**(b) a contract for -**

**(i) the supply of services;**

**(ii) the carrying out of minor repairs;**

**(iii) the carrying out of maintenance works;**

**(iv) the carrying out of installation works,**

**for a total value of not more than 200,000 rupees or such other sum as may, from time to time, be prescribed,**

**where he is satisfied that it would not be practical to hold a tender exercise and that the proposed contract is in the best interest of the local authority.**

**(5) A copy of any contract entered into under subsection (4) shall be deposited on the table of the Council at its next meeting.**

(6) The Municipal Tender Committee shall follow the guidelines laid down in the Ninth Schedule.

(7) A municipal council shall not carry out any work, improvement or undertaking including consultancy services, the estimated cost of which exceeds 200,000 rupees or such other sum as may, from time to time, be prescribed, unless a resolution has been passed to that effect at a meeting of the Council.

(8) No work, improvement or undertaking including consultancy services, the estimated cost of which is more than 200,000 rupees but not more than one million rupees, or such other sum as may, from time to time, be prescribed, shall be entrusted by a Council to any contractor or consultant except after tenders have been called by advertisement in 2 daily newspapers and unless a resolution has been passed to that effect at a meeting of the Council.

(9) Nothing in subsections (2) to (6) shall prevent the Central Tender Board from enquiring into the award of any tender by a local authority, provided such enquiry is effected within 12 months of the award of the contract.

## **129. Registration of contracts**

(1) Subject to subsection (2), a contract between any contractor and a local authority or any bond given as security for the performance of the contract shall be exempt from the requirement to be registered within any fixed period.

(2) A contract or bond referred to in subsection (1) shall not be referred to in a public deed or used in a Court of law, unless it is exempted from registration.

(3) Notwithstanding anything to the contrary in any other enactment, any deed witnessing the sale of immovable property to, or the creation of any servitude in favour of a local authority, shall be registered by the Registrar-General free of charge and shall further be transcribed at the Mortgage Office free of duty.

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## **PART VIII - DOCUMENTS**

### **130 Custody of documents**

Subject to any general directions which the Minister may give as to documents of any local authority, the documents of every local authority shall be in the custody of the Chief Executive or such other officer as the authority may decide.

#### **131. Deposit of documents**

(1) Where, under the provisions of any enactment, any document is deposited with the Chief Executive or any other officer of a local authority, the Chief Executive or the other officer shall receive and retain the document in the manner and for the purposes directed by the enactment and shall make such memorials and endorsements on and give such acknowledgments and receipts of the document as may be directed.

(2) Subject to anything to the contrary in any other enactment, a person interested in any document deposited as specified in subsection (1) may, at all reasonable hours, inspect and make copies or extracts from the document on payment to the person having its custody of the sum of 100 rupees for every inspection and of a further sum of 100 rupees for every hour or part thereof during which the inspection continues after the first hour.

(3) Any person having the custody of any document specified in subsection (1) who obstructs any person who wishes to inspect the document or to make a copy of or extract from it shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

(4) This section shall not apply to plans for development or building permits which shall be treated as confidential.

## **132. Production of documents at trial**

The provisions of sections 170 and 171 of the Courts Act shall apply to any document in the official custody of a local authority, in the same way as they apply to any document in the official custody of a Government department.

## **133. Inspection of accounts books and documents**

(1) The minutes of proceedings in council of a local authority shall, on payment of a fee of 100 rupees, be open to the inspection of any person and any elector who may make a copy of them or take an extract from them.

(2) The accounts of an authority shall be open to the inspection of any councillor who may make a copy or take an extract from them.

(3) The abstract of the accounts of an authority and any report made by the Director of Audit on those accounts, shall be open to the inspection of any person and any such elector who may make a copy of or take an extract from them.

(4) A document directed by this section to be open to inspection shall be so open at all reasonable hours and, except, where otherwise expressly provided, without payment.

(5) The Permanent Secretary shall have free access to all the documents of an authority.

(6) Any person having the custody of any book or document specified in this section who \_

(a) obstructs any person entitled to inspect the document or to make a copy or extract thereof; or

(b) refuses or fails to give copies or extracts to any person entitled to obtain copies or extracts,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

### **134. Service of documents**

(1) Any document required or authorised by this Act or any other enactment to be sent, delivered, served to or upon a local authority, or the Chief Executive or Mayor of a local authority shall be addressed to, left at or sent by registered post to the local authority, the Chief Executive or Mayor, as the case may be.

(2) Notwithstanding any other enactment to the contrary, all documents which are required to be served on or by a local authority may be served by registered post with *avis de reception*.

(3) Where, in any legal proceedings, service of any document on a local authority is required, it shall be sufficient to serve the notice or document on the Chief Executive of the authority.

### **135. Execution of documents**

(1) Subject to subsection (2), all documents shall be deemed to be duly executed by or on behalf of a local authority if signed by \_

(a) the Mayor or by any other person nominated for that purpose by the local authority; and

(b) the Chief Executive.

(2) A cheque upon a banking account kept by a local authority shall be signed by \_

(a) the Chief Executive or his deputy; and

(b) the Financial Controller or his deputy.

## **PART IX - MISCELLANEOUS**

### **136. Use of computer system**

(1) Notwithstanding the other provisions of this Act, the Chief Executive may direct the performance of any act or thing which is

required to be done under this Act or any other enactment relating to local authorities or regulations made thereunder, to be made or done by such electronic or other technological means as may be approved by him.

(2) Unless otherwise authorised, the Chief Executive may, with effect from such date as may be specified in regulations made by the Council, direct that any matter, act or thing referred to in subsection (1) shall be made or done by electronic or other technological means.

### **137. Donations to local authorities**

(1) Subject to the other provisions of this section, a local authority may accept, hold and administer any donation in kind, gift or property, whether movable or immovable, for any local public purpose, or for the benefit of the inhabitants of the area or of some part of it, and may execute any works, including works of maintenance or improvement, incidental to or consequential to the exercise of the powers conferred by this section.

(2) A local authority shall not accept without the consent of the Minister any donation in kind, gift or property of a value of more than 25,000 rupees or such other sum as may be prescribed.

(3) Where the purposes of the donation or gift are purposes for which the local authority is empowered to expend money raised from a rate, the local authority may, subject to any condition or restriction attaching to the exercise of that power, defray expenditure incurred in the exercise of the powers conferred by subsection (1) out of the General Fund.

(4) Article 910 of the Code Napoleon shall not apply to donations or gifts made and accepted under this section and such donations or gifts, whether or not by legacy, shall be registered free of charge.

### **138. Names of public places**

(1) Unless otherwise provided by any enactment, the names of all roads, streets, squares and other public places within the limits of a local authority area shall be as specified in regulations made by the municipal council.

(2) Any road, street, square and other public place within the limits of a local authority area, which has, at the commencement of this Act, already been given any name, shall, subject to the other provisions of this section, continue to bear such name.

(3) Notwithstanding subsections (1) and (2), the Minister may, by order, declare null and void the naming by a local authority of any road, street, square and other public place within the limit of the administrative area of that authority.

### **139. Local authorities and legal proceedings**

(1) Except where otherwise provided by any enactment, a local authority may authorise any officer, either generally or in respect of any particular matter, to institute or defend on its behalf proceedings before the Intermediate Court or any District Court.

(2) Any officer of a local authority authorised by the Chief Executive may prosecute any breach of the Building Act or regulations made under section 193 of the Public Health Act, where the breach is committed within the administrative area of the local authority.

(3) Every civil or criminal action by any person for any fact, act or omission, against a local authority acting in the execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act shall, under pain of nullity, be instituted within 2 years of the date of the fact, act or omission having given rise to such action.

(4) (a) No such civil action shall be instituted unless one month's prior written notice of it, the subject-matter of the complaint and the relief claimed, has been given to the defendant.

(b) Where such notice is given, no evidence shall be produced at the trial except of the cause of action contained in the notice.

(c) In default of proof at the trial that such notice was given, the defendant shall be entitled to judgment with costs.

(5) (a) Where, prior to the institution of any such civil action, the defendant has offered to the complainant an indemnity which is determined to be sufficient by the court before which the case is brought or where after any such civil action, suit or proceeding has been commenced, the defendant has deposited with the registrar of the court a sum of money which the court determines to be sufficient as damages or indemnity to the complainant, the case shall be dismissed, subject to such order as to costs as the court thinks fit.

(b) Where judgment is in his favour, the defendant shall be entitled to twice the amount of his taxed costs.

(6) Where the defendant in any action under this section is a councillor, officer, agent or servant of the local authority, that authority may, without prejudice to any other power, decide to pay out of the funds of the authority the whole or any part of any sums payable by the defendant in consequence of the action whether in respect of costs, charges, expenses, damages or otherwise.

## **140. Offences**

(1) Any person who commits an offence under this Act or any regulations made under it or who contravenes this Act or any regulations made under it shall commit an offence and shall, on conviction, where no specific penalty is provided, be liable to a fine of not more than 25,000 rupees.

(2) Any officer or councillor who neglects or refuses to comply with any provision of this Act shall commit an offence and shall, on conviction, be liable, where no specific penalty is provided, to a fine not exceeding 25,000 rupees.

## **141. Jurisdiction of District Court**

Notwithstanding section 114(2) of the Courts Act, section 153 of the Criminal Procedure Act, section 72 of the District and Intermediate Courts (Criminal Jurisdiction) Act and anything to the contrary in any other enactment, a District Magistrate shall have jurisdiction to try all offences under this Act and any regulations made under this Act and may impose any penalty provided for these offences.

## **142. Prosecution of offences and recovery of fines**

Any offence relating to a breach of this Act or any regulations made under this Act may be prosecuted by a municipal inspector of the authority affected by the breach, and all fines imposed by the court shall accrue to the relevant local authority.

### **143. Regulations by Minister**

(1) The Minister may \_

(a) make such regulations as he thinks fit for the purposes of this Act.

(b) by regulations, amend the Schedules.

(2) Regulations made under subsection (1) may \_

(a) provide for the administration and operation, as the case may be, of:

(i) the General Fund;

(ii) the Capital Fund; and

(iii) funds specified in section 62.

(b) vary the dates or periods fixed in this Act for the doing of any act.

(c) provide for Standing Orders for the municipal councils.

#### **144. Regulations by municipal councils**

(1) Every municipal council may make regulations for the efficient discharge of its functions under this Act and generally for the good rule and good government of the whole or any part of the town or district and for the prevention and suppression of nuisance therein.

(2) A local authority may make regulations for securing the payment of admission charge.

(3) Regulations made by a municipal council under this Act may provide \_

(a) that any person who contravenes them shall commit an offence and, shall, on conviction, be liable to a fine not exceeding 10,000 rupees and, shall in the case of a continuing offence, be liable to a fine not exceeding 1,000 rupees for each day during which the offence continues after conviction;

(b) for the seizure, confiscation or forfeiture of any article which is the subject-matter of an offence;

(c) that, in addition to the penalty provided for the offence, any expenses incurred by the Council in consequence of a breach of the regulations, or in the execution of any work to be done in pursuance of such regulations by any person -

(i) shall be paid by the person committing such breach or failing to execute such work; and

(ii) the amount of such expenses shall be recoverable as a debt due from that person to the Council, in the manner provided by section 86.

(4) Regulations made by a municipal council under this Act shall not require the approval of the Minister.

### **145. Transitional provisions**

(1) All planning areas and outline schemes declared and published under the Town and Country Planning Act for the areas which, prior to the commencement of this Act, were within the areas administered by the various district councils, shall continue to be in force and each local authority shall for the purposes of the Town and Country Planning Act be the authority for any area within its jurisdiction.

(2) All existing regulations made by any district councils for any purpose whatsoever and which are in force at the commencement of this Act shall continue to be in force, and their respective provisions shall be administered by the appropriate new local authority established under this Act.

(3) All assets which, prior to the commencement of this Act, belong to any district councils, shall be vested in one of the new local authorities established under this Act to replace the appropriate parent District Council, as per the terms of an order or orders made by the Minister.

(4) Subject to subsection (7), all existing liabilities of district councils which, at the commencement of this Act, remain pending or subsisting shall be transferred to the appropriate new local authority established under this Act.

(5) Subject to subsection (7), any contract entered into by a district council shall have effect, at the commencement of this Act, as if it had been entered on the same terms and conditions by the appropriate new local authority established under this Act.

(6) Subject to subsection (7), where any particular contract relates to both new local authorities established to replace the parent district council, the Chief Executives of the said local authorities shall agree on the part of the contract which should be deemed assigned to each of the new local authorities.

(7) In case of disagreement between the Chief Executives of the new local authorities as to the particular local authority which should assume any particular liability or responsibility of the parent district council, the matter shall be referred to the Minister whose decision shall be final.

(8) All pending proceedings by or against a district council shall continue in the name of the said district council and any civil judgment against the district council shall be satisfied by the new local authority ordered to do so by the Minister.

#### 146. Consequential amendments

(1) The Advertisements Regulation Act is amended in section 2 \_

(a) by repealing the definition of "Authority" and replacing it by the following definition \_

"Authority" means the municipal council of the respective towns and districts;

(b) by inserting in its appropriate alphabetical place, the following new definition \_

"municipal council" has the same meaning as in the Local Government Act 2003.

(2) The Building Act is amended \_

(a) in section 2, by repealing the definitions of "rural district" and "village";

(b) by repealing section 3;

(c) in section 15 \_

(i) by repealing subsection (1) and replacing it by the following new section \_

(1) Where the Authority is satisfied that the building, alteration, addition, repair or installation for which an application is made will be in strict conformity with this Act, it shall, on payment of the prescribed fee in respect of the permits specified in the Schedule, issue the permit within 30 days of the receipt of the plans, statement and other information required under this Act.

(ii) by adding immediately after subsection (3) the following new subsection \_

(4) The owner of the land on which any building is constructed or extensively repaired shall cause to be placed a board on which shall be legibly written the number of the building permit granted by the authority, the date on which it was granted and the name of the person responsible for the works.

(d) in section 17(3), by deleting the words "not exceeding 500 rupees and a further fine not exceeding 50 rupees" and replacing them by the words "not exceeding 10,000 rupees and a further fine not exceeding 500 rupees";

(e) in section 19(2), by deleting the words "10 rupees" and replacing them by the words "2,000 rupees";

(f) in section 20 \_

(i) by numbering the existing provision as subsection (1); and

(ii) by adding the following new subsection \_

(2) In case of conviction under subsection (1), the Court may further order the demolition of the building or part of the building which contravenes the provisions of this Act.

(g) in section 21, by deleting the words "200 rupees" and replacing them by the words "2,000 rupees";

(h) by repealing section 31 and replacing it by the following section \_

### **31. Provisions relative to dangerous buildings**

(1) Sections 22 to 30 shall apply to all tenements and structures in Mauritius.

(2) Any reference in section 25 to a Magistrate of Port Louis shall, in respect of tenements and structures to be found outside Port Louis, be interpreted as a reference to the District Magistrate of the area where the tenement or structure is to be found.

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(i) in section 32 \_

(i) by deleting the words " and not exceeding the amounts specified in the First Schedule";

(ii) by deleting the words "of Port Louis, Curepipe, Beau Bassin-Rose Hill, Quatre Bornes or Vacoas-Phoenix or to the Consolidated Fund, as the case may be" and replacing them by the words "of the area within which the structures are to be found";

(j) in section 36 \_

(i) in subsection (2), by deleting the word "Second";

(ii) in subsection (3), by deleting the words "not exceeding 100 rupees" and replacing them by the words "of not less than 5,000 rupees and not more than 50,000 rupees";

(k) in section 39(3), by deleting the words "not exceeding 200 rupees and to a further fine not exceeding 10 rupees" and replacing them by the words "of not less than 5,000 rupees and not more than 50,000 rupees and to a further fine not exceeding 2,000 rupees";

(l) by repealing section 44 and replacing it by the following section \_

**44. Penalties before whom recovered**

Notwithstanding anything to the contrary, a District Magistrate shall have jurisdiction to impose any penalty provided by this Act.

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(m) by repealing section 45 and replacing it by the following section \_

**45. Penalties by whom recovered**

Any fine, penalty and forfeiture shall be sued for and recovered by the Authority.

(n) in section 46, by deleting the words "the Municipal Council of Port Louis, Curepipe, Beau Bassin-Rose Hill, Quatre Bornes or Vacoas Phoenix or to the Consolidated Fund, as the case may be" and replacing them by the words "the Authority at whose instance the action is commenced";

(o) in section 55(2), by deleting the words "500 rupees, and a further fine of not more than 50 rupees" and replacing them by the words "10,000 rupees and a further fine not exceeding 2,000 rupees";

(p) by repealing section 77 and replacing it by the following section \_

**77. Authority for enforcement of Act**

The Authority for enforcing this Act shall be the Municipal Council of the respective town or district where the relevant building, structure or tenement is to be found.

(q) by repealing the First and Second Schedules and replacing them by the Tenth Schedule to this Act.

(3) **The Central Tender Board Act is amended \_**

(a) **in the First Schedule, in Part II**

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(i) in Column 2, by deleting the words "Civil Engineering works and capital goods" and replacing them by the words "All Contracts";

(ii) in Column 3, by deleting the words "10 million rupees" and replacing them by the words "1 million rupees".

(4)The Declaration of Assets Act is amended -

(a) in section 2, by inserting the following new definitions in their appropriate alphabetical places

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"local authority" has the same meaning as in the Local Government Act 2003;

"Rodrigues Regional Assembly" means the Rodrigues Regional Assembly established under the Rodrigues Regional Assembly Act 2001;

(b) in section 3 -

(i) by repealing subsection (1) and replacing it by the following new subsection -

(1)Every member of the National Assembly, the Rodrigues Regional Assembly and any councillor of a local a.uthority shall, not later than 30 days\_

(a)after the first sitting of the National Assembly, the Rodrigues Regional Assembly, or any Municipal Council or after being elected to the National Assembly,

the Rodrigues Regional Assembly or a Municipal Council following a by-election, as the case may be;

*(b)* after the seat becomes vacant in accordance with section 35 of the Constitution, section 19 of the Rodrigues Regional Assembly Act 2001 or section 31 of the Local Government Act, 2003, deposit with the Commission, the Clerk of the Rodrigues Regional Assembly or the Chief Executive of a Municipal Council, as the case may be, a declaration of assets and liabilities in relation to himself, his spouse and minor children and grand-children and, subject to subsection (3), his children of age;

(ii) by deleting in subsection (6) the word "Commissioner" and replacing it by the words "member of the Rodrigues Regional Assembly";

(iii) by repealing subsection (7) and replacing it by the following new subsection -

**(7) The Clerk of the Rodrigues Regional Assembly and the Chief Executive of a Municipal Council shall transmit to the Commission any**

declaration made by a member of the Rodrigues Regional Assembly or a Municipal Council, as the case may be.

(iv) by adding the following subsection (8) -

(8) The present members of the Rodrigues Regional Assembly, other than Commissioners, shall make the declaration provided in subsection (1) within 30 days of the coming into force of the Local Government Act, 2003.

(c) by repealing section 5;

(d) in section 7, in paragraph (b), by inserting immediately after the words, "public officers" the words ",of officers of any local authority".

(5) The Local Authorities (Pensions) Act is amended \_

(a) in section 2, by deleting the definition of "local authority" and replacing it by the following definition \_

"local authority" has the same meaning as in the Local Government Act 2003;

(b) in section 16 \_

(i) in subsection (1), by deleting the words "(1)"; and

(ii) by repealing subsection (2);

(c) by repealing the Schedule.

**(6) The Local Government Service Commission Act is amended \_**

**(a) in section 2, by deleting the definitions of "district council" and "village council";**

**(b) in section 4, by repealing subsection (4) and replacing it by the following subsection \_**

**(4) The Commission may, subject to such conditions as may be prescribed, delegate any of its powers under subsection (1) to the Chief Executive of any municipal council.**

**(c) in section 5, by repealing subsection (1) and replacing it by the following subsection -**

**(1) Subject to subsection (2), the Commission shall consist of a Chairperson and 4 other members appointed by the President.**

**(d) in section 6\_**

**(i) in subsection (1), by deleting the words "one year" and replacing them by the words "3 years";**

**(ii) by deleting the word "Minister", wherever it appears, and replacing it by the word "President";**

**(e) in section 11(2), by deleting the words "Rs 2,000" and replacing them by the words "50,000 rupees".**

**(7) The Local Government (Temporary Provisions) Act is amended \_**

**(a) in section 3, by deleting the word "Minister" wherever it appears, and replacing it by the word "President";**

(b) in section 8 \_

(i) by deleting the word "Minister" wherever it appears, and replacing it by the word "President";

(ii) in subsection (3)(c), by deleting the words "section 11(2) of";

(iii) in subsection (4), by deleting the words "3 years" and replacing them by the words "5 years".

(8) The Representation of the People Act is amended \_

(a) in section 2 \_

(i) in the definition of "council", by deleting the words "a municipal council or a village council" and replacing them by the words "a local authority";

(ii) (A) by deleting the definitions of "local government area" and "local government election" and replacing them by the following definitions \_

"local government area" means a town or district or a ward or a local region of Rodrigues as defined in the Rodrigues Regional Assembly Act 2001.

"local government election" means the election of members of a local authority;

(B) by deleting the definition of "village", and "village council election";

(iii) by inserting the following new definition in its appropriate alphabetical place \_

"local authority" has the same meaning as in the Local Government Act 2003;

(iv) in the definition of ward by deleting the words "section 7 of the Local Government Act 1989" and replacing them by the words "section 4 of the Local Government Act";

(b) in section 4A(1) by deleting the words "and sections 27 and 28 of the Local Government Act";

(c) in section 8(2) \_

(i) in paragraph (a), by deleting the words "(a)"; and

(ii) by repealing paragraph (b).

(d) in section 81, by deleting the words "town or village", wherever they appear, and replacing them by the words "local authority";

(e) in the Schedule, in Form D, by

(i) deleting the words "Village" wherever it appears and replacing it by the word "District";

(ii) deleting the words \_

"Occupation of business premises in the Ward of the Town/Village of .....";

"Payment of Rate/Tax in the Ward of the Town/Village of .....";

"Owner/Tenant of immovable property in the Village of .....";

Payment of Licence as owner of public service Goods Vehicle Regd. No.  
..... in the Ward of the Town of .....

and by adding the following qualifications

"Payment of local rates in the Town/District of ....."

(9) The Roads Act is amended \_

(a) in section 2, by repealing the definition of "local authority" and replacing it by the following -

"local authority" has the same meaning as in section 2 of the Local Government Act 2003;

(b) in section 3 \_

(i) in subsection (1), by repealing paragraphs (b), (c) and (d) and replacing them by the following paragraphs -

(b) main roads; and

(c) municipal roads;

(ii) by repealing subsections (3) and (4) and replacing them by the following subsection \_

(3) Notwithstanding any other enactment, municipal roads shall be all roads other than motorways or main roads which have been either dedicated to public use or have been accepted as a regular maintenance.

(c) in section 4(2)(b), by deleting the words "urban roads and rural roads" and replacing them by the words "municipal roads";

(d) in section 28(2), by deleting paragraph (b) and replacing it by the following paragraph -

(b) The Minister may, at the request of the municipal council of a district, direct that, for any period not exceeding 12 months and not overlapping 2 financial years, any municipal road for which that municipal council is responsible shall be maintained out of funds controlled by the Permanent Secretary.

(e) in section 70 (1), by adding after the words "police officer" the words "or an Inspector of a local authority";

(f) in section 73, by deleting the words "not exceeding 10,000 rupees" and replacing them by the words "of not less than 1,000 rupees and not more than 10,000 rupees".

(10) The Shops Act is amended \_

(a) in section 2, by repealing the definition of "Authority" and replacing it by the following definition \_

"Authority" means the municipal council of any area where a shop is situated;

(b) in section 5(2), by repealing paragraph (b) and replacing it by the following paragraph \_

(b) An order made under paragraph (a) may fix the same day for all shops or fix different days for different \_

(i) classes of shops;

(ii) periods of the year.

(10A) The Sugar Industry Efficiency Act 2001 is amended by repealing the definition of "agricultural land" and replacing it by the following definition—

"agricultural land" means—

(a) land which is or has been, as the case may be, under cultivation and includes land within an irrigation area; or

(b) land used as arable meadow or pasture ground only, land used for a wood or for the growth of saleable underwood.

(11) The Town and Country Planning Act is amended \_

(a) in section 2, by repealing the definition of "local authority" and replacing it by the following definition \_

"local authority" has the same meaning as in section 2 of the Local Government Act 2003, provided that where an area lies partly within the jurisdiction of one local authority and partly in that of another, the local authority for such an area means the local authorities concerned acting jointly;

(b) in section 3(1), by repealing paragraphs (i) and (j) and replacing them by the following paragraph \_

(i) 3 other members to be appointed by the Minister, 2 of whom shall represent the interests of the local authorities and the other those of the general public;

(c) in section 8(1) by deleting the words "not exceeding 1,000 rupees" and replacing them by the words "of not less than 2,000 rupees and not more than 50,000 rupees"

(d) in section 28 \_

(i) by deleting the words "not exceeding 1,000 rupees" and replacing them by the words "of not less than 2,000 rupees and not more than 50,000 rupees"; and

(ii) by deleting the words "not exceeding 50 rupees" and replacing them by the words "of not less than 100 rupees and not more than 1,000 rupees".

## **147 Repeal and savings**

(1) The following enactments are repealed -

- (a) the Local Government Act;
- (b) the Local Bodies (Entertainment Duty) Act;
- (c) the Rural Buildings Tax Act; and
- (d) the Trades and Industries Classification Act.

(2) Notwithstanding the repeal of the Local Government Act and of the Trades and Industries Classification Act, all current licences and permits issued under the said Acts by any local authority or the Rodrigues Regional Assembly shall continue to be valid and effective for the period for which they were issued.

## **148. Commencement**

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different Parts or sections of the Act.

Passed by the National Assembly on the eighth day of July two thousand and three.

André Pompon

*Clerk of the National Assembly*

# FIRST SCHEDULE

(section 3(1))

## BOUNDARIES OF THE

### MUNICIPAL COUNCIL OF PORT LOUIS

#### *North*

Starting from the mouth of Rivulet Terre Rouge, the boundary runs in an easterly direction along the Rivulet Terre Rouge up to a well which is situated on the site of the former aqueduct of the Bathurst canal over Terre Rouge River, thence in a straight line up to the Tertiary Trigonometrical Station (TTP 0106) on top of Long Mountain.

#### *East*

From the last mentioned point the boundary runs South along the ridge of Long Mountain up to the top of Pieter Both Mountain.

#### *South*

From the last mentioned point, the boundary runs in a general westerly direction along the ridge of Mountains Pieter Both, Le Pouce, Guiby Peak and Berthelot Peak to Montagne Ory Trigonometrical Station (STP 12); thence West South West in a straight line to the junction of Old Moka Road and Bell Village Phoenix Trunk Road (M2).

From the last mentioned point the boundary runs generally North along Bell Village Phoenix Trunk Road (M2) to its junction with a road leading to Max Works Limited, thence along the said road on a developed length of 110 metres to its junction with an Estate Road; thence west along the said Estate Road and its prolongation to its junction with Grand River North West, thence North along Grand River North West to its junction with the prolongation of the concrete wall separating Sunray Hotel and Bata Shoe Co. Ltd, thence West along that wall to its junction with the Port Louis - St Jean Road (A1); thence south along Port Louis - St. Jean Road (A1) to its junction with

the trace of the Midland Old Railway Line, thence generally South West along that Old Railway Track to its junction with the prolongation of the Northern Boundary of Richelieu Livestock Feed Factory (formerly Richelieu Maize Mill); thence North along the Midland Railway Line to its junction with an Estate Road, thence West along that estate Road for 252 metres to its junction with Richelieu Branch Road (also called Balisage Road), thence North along the Richelieu Branch Road to its junction with Riviere Noire Road (A3) then North East along an Estate Road to its junction with Avenue de La Concorde; thence North along the said Avenue to its junction with Peupliers Avenue; thence in a general Westly direction along Peupliers Avenue up to its junction with Pointe aux Sables Road (B31), thence South along that Road on 720 metres to its junction with a straight line; thence West along that straight line passing through Pointe aux Caves lighthouse up to the sea.

#### *West*

From the last mentioned point the boundary runs generally North East along the seashore up to the starting point.

### BOUNDARIES OF THE MUNICIPAL COUNCIL OF CUREPIPE

#### *North*

Starting at the junction of Sadally Moraby Road with Jean Maurice Prudent Street, the boundary runs north east and south east along Sadally Moraby Road to its junction with Swami Sivananda Avenue, then across that latter avenue north-easterly along Allée Brillant Branch road (B 74) to its junction with the southern boundary of Constituency No. 15, thence along that boundary up to Couacaud Bridge.

#### *East*

From the last mentioned point, the boundary runs south easterly in a straight line to Butte Chaumont, then southerly in a straight line to Mt. Ebene; then south east along an imaginary line to Mt. D'Hauvillard (TPF94) and thence south east along part of the district boundary between Moka and Plaines Wilhems up to Mt. Lagrave on the southern boundary of Constituency No. 17.

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*South and West*

From the last mentioned point, the boundary runs South West along part of the southern boundary of Constituency No. 17 to its junction with the eastern boundary of Constituency No. 16; then along the southern boundary of Constituency No. 16 and along part of western boundary of the Constituency No. 16 to its junction with the southern boundary of the Town of Vacoas-Phoenix; then east along that latter boundary to its junction with Ligne Berthaud on the eastern boundary of Constituency No. 16; then generally northerly and westerly along the eastern boundary of Constituency No. 16 to its junction with River St. Martin; then downstream along that river to its junction with an estate road running generally easterly; then easterly along that road to its junction with the road leading to former Reunion Estate; then easterly along that latter road to its junction with Chemin Berthaud; then again easterly and generally northerly along the said road for 325 metres to its junction with the prolongation of Dr. Ernest Harel Street; thence easterly along that prolongation to its junction with Jean Maurice Prudent Street; thence northerly along that latter street to the starting point.

**BOUNDARIES OF THE**

**MUNICIPAL COUNCIL OF BEAU BASSIN-ROSE HILL**

*North*

Starting from the junction of the former Midland Railway Line with the prolongation southwards of Bissessur Lane, the boundary runs North East along part of the western boundary of Constituency No. 1 up to its junction with Grand River North West.

*East*

From the last mentioned junction the boundary runs South along Grand River North West and Plaines Wilhems River up to the junction of Plaines Wilhems River with Boundary Road (B75).

*South*

From the last mentioned junction the boundary runs South West along Boundary Road (B75) to its junction with Ligne Berthaud Avenue (B73); thence again South West in a straight line to the district boundary post on Corps de Garde Mountain.

*West*

From the last mentioned point, the boundary runs North along the District Boundary between Plaines Wilhems and Black River to the starting point.

**BOUNDARIES OF THE**

**MUNICIPAL COUNCIL OF QUATRE BORNES**

*North*

Starting from a point on River Terre Rouge approximately 580 metres North West of the Temple at Bagatelle, the boundary runs westerly along the southern boundary of Constituency No. 8 up to Robertson Bridge.

*West*

From the last mentioned point the boundary runs southerly along part of the western boundary of Constituency No. 18 to its junction with Boundary Road (B75); thence along Boundary Road (B75) to its junction with Ligne Berthaud Avenue (B73); thence again along the western boundary of Constituency No. 18 up to its junction with a stream; thence West along that stream to its junction with the eastern boundary of Pierrefonds Estate; thence South West along the eastern boundary of Pierrefonds Estate for approximately 1,742 metres to its junction with Palma Road (B2); thence South West along an estate road for 175 metres to its junction with a second estate road; thence West along the second estate road for 175 metres to its junction with a third estate road; thence South along the third estate road for 245 metres to its junction with a fourth estate road; thence South along the fourth estate road for 460 metres to its junction with Palma Road (B2); thence East along Palma Road (B2) to its junction with the estate road leading to Bassin Estate; thence South along that estate road and its prolongation to River Papayes.

*South*

From the last mentioned junction, the boundary runs upstream along River Papayes to its junction with the western boundary of Constituency No. 15; thence North East along the western boundary of Constituency No. 15 to its junction with the prolongation westwards of an estate road which is parallel to and at a distance of 206 metres southwards of a common road forming the southern boundary of Princess Margaret Orthopaedic Centre; thence East along the prolongation of the said estate road and along that estate road to its junction with another estate road at approximately 220 metres West of Candos-Vacoas Road (B3); thence North along that estate road for 206 metres to its junction with the northern boundary of Constituency No. 15; thence North East along the northern boundary of Constituency No. 15 to its junction with Bell Village \_ Phoenix Trunk Road (M2).

*East*

From the last mentioned junction the boundary runs north easterly along part of the northern boundary of Constituency No. 15 to the starting point.

**BOUNDARIES OF THE**

**MUNICIPAL COUNCIL OF VACOAS-PHOENIX**

*North*

Starting on the common road forming the southern limit of Princess Margaret Orthopaedic Centre at a point 221 metres West of the Candos \_ Vacoas Road (B3), the boundary runs East along the northern boundary of Constituency No. 15 to meet the eastern boundary of that constituency.

*East*

By the eastern boundary of Constituency No. 15.

*South*

By part of the southern boundary of Constituency No. 15 up to Allée Brillant Road (B74); thence the boundary runs South West along Allée Brillant Road (B74) to its junction with Swami Sivananda

Avenue; thence across the said avenue and North West and West along part of Sadally Moraby Avenue to its junction with Jean Maurice Prudent Street; thence along the western boundary of the town of Curepipe to the junction of River St. Martin with the eastern boundary of Constituency No. 16; thence along the eastern boundary of Constituency No. 16 up to the junction of Ligne Berthaud with the prolongation eastwards of an estate road forming the limits of Ragavoodoo Estates; thence West along the prolongation of the said estate road and along that estate road to its junction with Les Mares Road; thence generally West along an imaginary line drawn from the last mentioned junction to the bridge over Rivulet Cap St. Martin, on the Henrietta Branch Road, produced westwards to the western boundary of Constituency No. 16.

*West*

From the last mentioned junction, the boundary runs North along the western boundaries of Constituencies Nos. 16 and 15 up to the junction of the western boundary of Constituency No. 15 with Rivière Papayes; thence North East along the southern boundary of the town of Quatre Bornes to the starting point.

#### BOUNDARIES OF THE

#### \MUNICIPAL COUNCIL OF PAMPLEMOUSSES

*East*

Starting from the sea shore at the western boundary of Cap Malheureux public beach, the boundary runs South along the boundary of the said public beach to its junction with the Mon Choisy \_ Cap Malheureux Road (B 13); thence East along that road for 18 metres to its junction with another road; thence South and East along that road over a developed length of 820 metres to its junction with another road; thence generally South along that road for 455 metres to its junction with a secondary road which abuts on Vingt Pieds Road (B 45) at a point 790 metres South West of the junction of the last mentioned road with Mare Sèche Branch Road; thence along the said secondary road

to its junction with Vingt Pieds Road (B 45); thence South West along Vingt Pieds Road (B 45) to its junction with Plaine des Papayes Road (B11); thence South East along Plaine des Papayes Road for 700 metres to its junction with an estate road; thence South West along that estate road to its junction with Sottise Road; thence North West along Sottise Road for 370 metres to its junction with an estate road; thence South West along that estate road for 190 metres to its junction with a second estate road; thence North West along that estate road for 60 metres to its junction with a third estate road; thence South West along that estate road and its prolongation to its junction with Pamplemousses \_ Grand Baie Road (A 13) at a point 871 metres South East of the junction of the last mentioned road with Grand Baie Road (A 4); thence generally South East and South West along the Pamplemousses \_ Grand Baie Road (A 13) to its junction with an estate road at a point 300 metres North East of the Pamplemousses Botanical Garden roundabout and running adjacent to the M.S.I.R.I. Experimental Station; thence South East along the last mentioned estate road for 430 metres to its junction with a second estate road; thence North East along that estate road for 271 metres to its junction with a third estate road; thence South East along that estate road for 379 metres to its junction with a fourth estate road; thence North East along that estate road for 50 metres to its junction with a fifth estate road; thence South East along that estate road for 903 metres to its junction with a sixth estate road; thence South West along that estate road for 50 metres to its junction with a seventh estate road; thence South East along that estate road for 128 metres to its junction with an eighth estate road; thence North East along that estate road for 843 metres to its junction with a ninth estate road; thence South East along that estate road for 390 metres to its junction with a tenth estate road; thence North East along that estate road for 20 metres to its junction with an eleventh estate road; thence South East along that estate road for 238 metres to its junction with a twelfth estate road; thence South West along that estate road for 66 metres to its junction with a thirteenth estate road; thence South East along that estate road for 544 metres to its junction

with Mon Piton-Rivière du Rempart Road (A 6) at a point 135 metres North East of the Bramsthan Kalimaye. From the last mentioned junction the boundary runs South East along a straight line up to the junction of La Nicolière Distributary Channel with Antoinette Road; thence generally East along Antoinette Road to its junction with an estate road situated at 585 metres South East of Antoinette temple; thence South East along that estate road and its prolongation to its junction with Grande Rosalie \_ Mon Loisir Road (B 21) at a point 23 metres South West of the bridge over River Chevrettes; thence North East along Grande Rosalie \_ Mon Loisir Road (B 21) up to the said bridge. From then on the boundary runs downstream along River Chevrettes to its confluence with River du Rempart.

*South*

From the last mentioned point the boundary runs South West along River du Rempart to its junction with Le Juge de Segrais Bridge over La Nicolière Spillway; thence generally South along the sinuosities of Ripaille \_ Nicolière Road (B 49) up to a point approximately 700 metres North East of the junction of the last mentioned road with Nouvelle Decouverte Road; thence generally West and South West along the ridge line of the Nicolière, Callebasses and Deux Mamelle Mountains up to the top of Pieter Both mountain. From the last mentioned point the boundary runs in a general North Westerly direction along the ridge of Long Mountain up to the Tertiary Trigonometrical Station (TTP 0106) on top of Long Mountain; thence West in a straight line to a well which is situated on the site of the former aqueduct of the Bathurst Canal over Terre Rouge River and downstream the Terre Rouge River to the sea.

*West and North*

From the last mentioned point, the boundary runs in a general North Easterly direction along the sea shore to the starting point.

**BOUNDARIES OF THE  
MUNICIPAL COUNCIL OF RIVIERE DU REMPART**

*North and East*

**Starting from the seashore at the western boundary of Cap Malheureux public beach, the boundary runs in a general South Easterly direction along the seashore to Pointe de Roches Noires.**

**Small islands off the coast facing the above described Northern and Eastern limits shall form part of the Riviere du Rempart Municipal Council Area.**

*South*

**From the said Pointe de Roches Noires, the boundary runs in a South Westerly direction along an imaginary line up to the junction of Aubin Road; thence North West from that junction along Belle Vue Road (B22); thence from the junction of Belle Vue Road (B22) with the junction of an estate road South West on a developed length of about 800m; thence from the junction of that estate road along a second estate road North West for 300m; thence from the junction of the second estate road South westerly along a third estate road for 320m; thence from the junction of the third estate road North Westerly along a fourth estate road for 220m; thence from the junction of the fourth estate road with "Chemin Maleppa" North Westerly for a developed length of about 320m along "Chemin Maleppa"; thence North West along "Chemin Maleppa" for a developed length of 1283m thence from the junction of "Chemin Maleppa" along Amaury Branch road in a North Westerly direction for 604m; thence South West from Amaury Branch road to its intersection along River du Rempart; thence South West along River du Rempart to its confluence with "River Chevrettes".**

*West*

**By the eastern boundary of the Municipal Council Area of Pamplémousses up to the starting point.**

**BOUNDARIES OF THE  
MUNICIPAL COUNCIL OF MOKA**

*North*

**Starting from the junction of the Southern boundary of the town of Port Louis and the eastern boundary of the town of Beau Bassin Rose Hill, the boundary runs along the Southern boundary of the town of Port Louis, then along part of the Southern boundary of the Municipal Council of Pamplemousses to a point on Ripailles - Nicoliere Road (B49), 700 metres north east of its Junction with Nouvelle Decouverte Road.**

*East*

**Starting from the last mentioned point the boundary runs generally south east along the Western boundary of the Municipal Council of Flacq to the Northern boundary of Municipal Council of Grand Port at Pic Grand Fond.**

*South*

**Starting from the last mentioned point the boundary runs generally West along part of the Northern boundary of Municipal Council of Grand Port and along part of the Eastern boundary of the Municipal Council of Curepipe up to Mt. Ebene.**

*West*

**Starting from the last mentioned point the boundary runs generally north west along part of the Eastern boundary of the Municipal Council of Curepipe, thence north east, west and north west along the Eastern boundary of the town of Vacoas Phoenix, thence generally west along the Northern boundary of the Municipal Council of Quatre Bornes, thence generally north along part of the Eastern boundary of the town of Beau Bassin Rose Hill up to the starting point.**

**BOUNDARIES OF THE  
MUNICIPAL COUNCIL OF FLACQ**

*North*

**By part of the Municipal Council Area of Pamplemousses on its common southern boundary starting from a point approximately 700 metres North East of the junction of Ripailles-Nicolière Road(B49) and Nouvelle Decouverte Road and by the Municipal Council Area of Rivière du Rempart on its southern boundary.**

*East*

**The boundary runs generally South from Pointe Roches Noires along the coast to a point on the right bank of G.R.S.E. river. All the small islands off the coast on the eastern boundary are included in the Municipal Council Area of Flacq.**

*South*

**From the last mentioned point the boundary runs South West along an imaginary line running along the southern boundary of Beau Champ cemetery adjoining the Beau Champ Bridge No. 3, passing through Secondary Triangulation Point 17 on Montagne Beau Champ to Montagne Chatte; thence in a general southerly direction by another imaginary line to Montagne Villars; thence in a general westerly direction along the ridge line of Montagne Bambous and Montagne Camizard up to Pic Grand Fond.**

*West*

**From the last mentioned point the boundary runs North along an imaginary line to Secondary Triangulation Point 16 on Mongagne Maurice; thence North West along a second imaginary line to a point on Montagne Blanche-Bel Air Road(B27) at about 800 metres East of Montagne Blanche Police Station; thence North along a third imaginary line to Montagne Blanche Trigonometrical Station; thence East along the watershed of Blanche Mountain to the Secondary Point 23 on Blanche Mountain; from the last mentioned point the boundary runs**

North along an imaginary line to meet Clemencia Bridge on Camp de Masque Road(B55); thence along another imaginary line to the West peak of Fayence mountain; thence North West on a straight line to the junction of River Coignard and Mare Goyaves Branch Road; thence along River Coignard to its junction with Queen Victoria Branch Road; thence generally West along Queen Victoria Branch Road to its junction with Camp de Masque Road(B55); thence North along Camp de Masque Road(B55) to its junction with Moka-Camp de Masque-Flacq Road(A7); thence North East along the Moka-Camp de Masque-Flacq Road (A7) for 124 metres to a first Estate Road; thence North along that Estate Road for 359 metres to meet a second Estate Road; thence South West along that Estate Road for 174 metres to its junction with a third Estate Road; thence West along that Estate Road for 591 metres to its junction with Unité Junction Road; thence South along the Unité Junction Road for 647 metres to its junction with Moka-Camp de Masque-Flacq Road (A7); thence South West along the last mentioned road for 1168 metres to its junction with an Estate Road; thence North along that Estate Road for 1469 metres to its junction with Higginson Road; thence South West along the Higginson Road for 343 metres to its junction with another Estate Road; thence North along that Estate Road for 192 metres to its junction with River du Poste; then upstream along River du Poste to its junction with La Nicolière Feeder Channel at Pondard dam; thence North along La Nicolière Feeder Channel to its junction with Nouvelle Decouverte Road(B55); thence generally North West along that Road (B55) to its junction with Ripailles Nicolière Road (B49); thence North East along the Ripailles Nicolière Road (B49) up to the starting point.

#### BOUNDARIES OF THE

#### MUNICIPAL COUNCIL OF GRAND PORT

##### *North*

Starting from Lagrave Trigonometrical Station the boundary runs generally East along the ridge of Bambous Mountains through Mountain Laselle and Table A Perrot up to Pic Grand Fond; thence along the southern boundary of the Municipal Council Area of Flacq to its junction with Grand River South East.

*East and South*

From the last mentioned junction, the boundary runs South along Grand River South East to its mouth, thence generally South West along the sea shore to the mouth of Rivière Tabac.

*West*

From the last mentioned point the boundary runs North along Rivière Tabac to a point 29 metres South East of Rivière Tabac Bridge [on La Barraque Road (B8) at L'Escalier; thence North East in a straight line for 27 metres to its junction with a dry rubble wall and a masonry wall [which encloses La Barraque Factory Grounds]; thence North West along the said rubble wall and masonry wall for a total developed length of 228 metres to its junction with La Barraque Road (B8); thence North West along La Barraque Road (B8) to its junction with Gros Bois \_ L'Escalier By Pass, thence North along that road for 4300 metres to its junction with an estate road, thence West along that estate road for 100 metres to its junction with the road leading to Old Gros-Bois Sugar Factory, thence South along that road for 60 metres; thence West along an estate road for 514 metres to its junction with a second estate road; thence North along the last mentioned estate road for 558 metres to its junction with a third estate road; thence South West along that estate road for 133 metres to its junction with a fourth estate road; thence North West along that estate road for 416 metres to its junction with New Grove Road (B82) at a point 1449 metres South West of its junction with the trace of Old Midland line of Railways; thence South West along New Grove Road (B82) for 149 metres to its junction with an estate road; thence North West along that estate road for 1216 metres to its junction with a second estate road; thence South West along that estate road and its prolongation to its junction with Rivière Tabac; thence North West upstream along Rivière Tabac on a developed length of 2750 metres to its junction with an estate road; thence North East along that estate road for 535 metres to its junction with Junction Road (B81); thence again North East along that road to its junction with Nouvelle France-Plaisance

Road (A12); thence generally North West along that road to its junction with Nouvelle France Round-About; thence generally North along Nouvelle France-La Vigie Road on a developed length of 2800 metres to its intersection with the line from Piton Grand Bassin to Mountain La Grave, thence North East along that line to the starting point.

Isle aux Aigrettes, Isle de Passe, Isle-aux-Fouquets and any other small islands along the above coast are in the District of Grand Port.

**BOUNDARIES OF THE  
MUNICIPAL COUNCIL OF SAVANNE**

*North*

Starting from the intersection of Les Mares Road and the line from the Government boundary stone No. 35 at the top of the Black River Gorges to Grand Bassin Piton, in the boundary of concession Chamarel, the boundary runs East in that line to its intersection with Rivière du Poste; thence downstream along Rivière du Poste to its intersection with the line from Piton Grand Bassin to the top of Mountain La Grave, thence North East along that line to its junction with Nouvelle France-La Vigie Road.

*East*

From the last mentioned point, the Municipal Council Area is bounded by the western boundary of the Grand Port Municipal Council Area to the mouth of Rivière Tabac.

*South*

From the last mentioned point the boundary runs West along the sea shore to the mouth of Rivière des Galets.

*West*

From the last mentioned point, the boundary runs North along Rivière des Galets to its confluence with Rivulet Ruche; thence upstream along Rivulet Ruche to its confluence with Feeder Luchon; thence again upstream along Feeder Luchon to its source; thence North West along an imaginary line to Cocotte Mountain Trigonometrical Station; thence North East to the starting point.

**BOUNDARIES OF THE  
MUNICIPAL COUNCIL OF BLACK RIVER**

*North*

Starting from the sea off the lighthouse at Pointe aux Caves, the boundary runs along an imaginary line in a generally North Easterly direction to its junction with Pointe aux Sables Road (B31); thence in a Northerly direction along the said Road to its junction with Peupliers Avenue at Pointe aux Sables; thence in a generally Easterly direction along the said Avenue to its junction with Concorde Avenue at La Tour Koenig.

*East*

From the said junction the boundary runs in a generally South Westerly direction partly along the said Concorde Avenue and partly along an Estate Road to its common junction with Black River Road (A3) and Richelieu Branch Road, thence in a Southerly direction along the said Branch Road to its junction with an Estate Road; thence Easterly along the said Estate Road for 252 metres to its junction with the trace of the disused Midland Railway Line, thence the boundary runs South Westerly along the said trace to its junction with the prolongation of the Northern boundary of Richelieu Livestock Feed Factory (formerly Richelieu Maize Mill); thence East along that boundary to its junction with the Eastern boundary of the said factory; thence Southerly along that boundary for 113 metres to its junction with Richelieu Approach Road, thence Westerly along the said Approach Road to its junction with the trace of the disused Midland Railway Line. The boundary then runs along the said trace to its junction with Chebel Branch Road and from that point in a straight line to the top of Grand Malabar Mountain; thence in a straight line to the Trigonometrical Station (STP32) on the top of Corps de Garde Mountain; thence South Easterly along the ridge to the Glacis; thence Sourtherly along an imaginary line to its junction with the intersection of Charlie Avenue and a Rivulet at the foot of the said Mountain;

thence Westerly along the said rivulet to its junction with the North Easterly prolongation of the La Seringue Avenue, thence the boundary runs South Westerly along the said Avenue to its common junction with Palma Road (B2) and an Estate Road; thence South Westerly along the said Estate Road for 175 metres to its junction with a second Estate Road; thence North West along the second Estate Road for 175 metres to its junction with a third Estate Road; thence South Westerly along the third Estate Road for 210 metres to its junction again with the said first Estate Road; thence generally South Westerly along the first Estate Road to its junction with Palma Road (B2). The boundary then runs South East along the said road to its junction with the Estate Road leading to Bassin Estate; thence South Westerly along that Estate Road and its prolongation to River Papayes; thence the boundary runs upstream along the said river to its junction with the South Western prolongation of De La Paix Avenue (formerly Southern Boundary Road), thence South Westerly along the said prolongation up to the District Boundary between Plaines Wilhems and Black River on the top of the central peak of Trois Mamelles Mountain, thence generally South along the ridge of the Mountains between the Districts of Black River, Plaines Wilhems and Savanne up to Boundary Stone No. 35 at the top of Black River Gorges; thence the boundary runs Easterly along a straight line on Piton Grand Bassin to its intersection with Les Mares Road; thence South Westerly on a straight line up to the top of Montagne Cocotte; thence South Easterly along straight line to the source of Feeder Luchon, thence downstream along the said Feeder to its confluence with Rivulet Ruche; thence downstream along the said Rivulet until its confluence with River des Galets; thence down the said River to the sea.

*South & West*

From the mouth of River des Galets the boundary runs generally Westerly and thence Northerly along the seashore up to the starting point.

Small islands off the coast facing the above described Southern and Western limits shall form part of the Black River Municipal Council Area.

**SECOND SCHEDULE**

*( section 8 )*

*Name of Local Authority Number of Councillors*

**1. Beau Bassin \_ Rose Hill 15**

**2. Black River 12**

**3. Curepipe 12**

**4. Flacq 15**

**5. Grand Port 15**

**6. Moka 12**

**7. Pamplemousses 15**

**8. Port Louis 18**

**9. Quatre Bornes 12**

**10. Riviere du Rempart 15**

**11. Savane 12**

**12. Vacoas-Phoenix 15**

**THIRD SCHEDULE**

*(section 17)*

**Oath or Solemn Affirmation**

I, .....

**having been elected a municipal councillor do hereby swear or solemnly  
affirm that I take that office upon myself, and will duly and faithfully fulfil  
its duties according to the best of my judgment and ability.**

**Public sitting held on ..... in the Council  
Chamber of the Municipal Council  
of.....**

FOURTH SCHEDULE

(section 37 (5))

Meetings and proceedings of local authorities

1. The Council shall meet at least once every fortnight, in public, in the Council Chamber preferably during working hours.

2. (1) The Mayor may call a special meeting of the Council \_

(a) whenever he thinks it necessary; or

(b) after a requisition for that purpose, signed by not less than one third of the total number of councillors and specifying the reasons for the meeting, has been addressed to him through the Chief Executive.

(2) Where the Mayor refuses to call a meeting after the presentation of the requisition to him, or where, without refusing, the Mayor does not call a meeting within 3 working days after the requisition has been addressed to the Chief Executive, the requisitionists may ask the Chief Executive to call forthwith a meeting of the Council within one week of the requisition addressed to the Mayor under paragraph 2 (1) (b).

(3) Where, without reasonable cause, a Chief Executive fails to call a meeting when requested to do so under subparagraph (2), he shall commit an offence.

(4) Every meeting shall be convened by notice stating the business to be transacted at the meeting and shall be signed by the Chief Executive.

(5) (a) The notice of the meeting shall be left at or sent by registered post to the usual place of residence or business of every councillor and a copy thereof shall be affixed in a conspicuous place at the seat of the local authority at least 3 days before the meeting.

**FOURTH SCHEDULE — (ctd)**

**(b) Want of service of the notice on any member of the Council shall not affect the validity of a meeting.**

**(6) (a) Subject to paragraph 1 (2), no business other than that specified in the notice shall be transacted at a meeting of the Council.**

**(b) (i) Any councillor may, before the commencement of public business, give notice of his intention to raise at the adjournment of the Council a matter of urgent public importance and state the matter briefly.**

**(ii) The Mayor shall not allow the motion to be discussed unless he is satisfied that the matter is urgent.**

**(iii) The Mayor may, where he is satisfied that priority should be given to the motion, allow it to be discussed before the business of the day is actually transacted.**

**3. Subject to section 24 of the Act \_**

**(a) the Mayor shall preside every meeting of the Council at which he is present;**

**(b) where the Mayor is absent from a meeting of the Council, the Deputy Mayor, if present, shall preside;**

**(c) where both the Mayor and Deputy Mayor are absent from a meeting of the Council, the member whose name is drawn by lot by the Chief Executive shall preside; and**

**(d) any reference in this Schedule to the Mayor shall be interpreted as a reference to the person presiding a meeting.**

FOURTH SCHEDULE — *(ctd)*

4. (1) All acts of the Council and all questions coming or arising before the Council shall be done and decided by a majority of the councillors present and voting.
- (2) In the case of an equality of votes the chairperson shall have a second or casting vote.
5. The proceedings and debates of the Council or of any committee thereof shall be conducted in English or French.
6. The names of the councillors present at a meeting of the Council or at a committee thereof shall be recorded.
7. (1) Minutes of the proceedings of a meeting of the Council or of any of its committees shall be drawn up in English or French and entered in a book for that purpose by the Chief Executive or by any officer appointed for that purpose, and a copy thereof shall be circulated to the councillors within 7 days of the meeting and at least 3 days before the next meeting of the Council.
- (2) At the next meeting, the Mayor shall ask the councillors present whether they approve the minutes of proceedings of the previous meeting and, where no objection is raised, the minutes shall be deemed to have been approved without its being necessary to have them read.
- (3) After the procedure laid down in subparagraph (2) has been followed, the minutes shall be signed by the Mayor and the Chief Executive. Any minute purporting to be so signed shall be received in evidence without further proof.
- (4) (a) A meeting of the Council or of any of its committees in respect of which a minute has been so made and signed shall, *prima facie*, be deemed to have been duly convened and held and all the councillors present at the meeting shall be deemed to have been duly qualified.

FOURTH SCHEDULE — (ctd)

(b) Where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

8. (1) No resolution expressly or impliedly repealing or altering a decision taken by the Council within the year preceding that resolution shall be proposed at any meeting held within that year unless prior notice thereof is given to the Chief Executive at least 10 days before the meeting.

(2) On receiving a notice under subsection (1), the Chief Executive shall do the needful so that notice of the motion is served on every councillor at least 7 days before the meeting and no such resolution shall have effect unless it is voted at the meeting by at least two-thirds of the councillors present.

(3) After a resolution expressly or impliedly repealing or altering a decision of the Council has been proposed and rejected, no councillor may propose the same resolution again or propose a new resolution expressly or impliedly repealing or altering the decision, unless \_

(a) 6 months have elapsed from the date of the decision; or

(b) his proposal has the written support of half of the total number of councillors.

(4) Where for want of a quorum, the resolution cannot be put to the vote at 2 following subsequent meetings, no councillor may propose the same resolution unless 6 months have elapsed.

(5) Where the decision which it is sought to repeal or alter was for doing an act forthwith or within a specified time, such decision, unless repealed or altered, may be carried out immediately after the second of the meetings, if no time was specified, or after the expiration of the specified time.

FOURTH SCHEDULE — *(ctd)*

9. Subject to this Act, the Council shall make standing orders for the regulation of its proceedings and business, and may vary or revoke any such orders.

10. (1) All meetings of any committee appointed under section 37 shall be convened in writing by the Chief Executive.

(2) (a) Every such meeting shall be convened by notice stating the business to be transacted at such meeting and shall be signed by the Chief Executive.

(b) The notice shall, at least 3 days before a meeting, be left at or sent by registered post to the usual place of residence or business of every member and shall be accompanied by copies of the minutes of proceedings of the previous meeting and of reports, if any, to be considered at the meeting.

(c) No business other than that specified in the notice shall be transacted at such meeting.

(3) Minutes of the proceedings of a committee shall be drawn up in English or French and entered in a book kept for that purpose by the Chief Executive or any other officer appointed for that purpose and a copy shall be circulated to every councillor within 7 days of the meeting and not later than three days before the next meeting of the Committee.

(4) Any councillor not being a member of a committee who wishes to comment on the minutes shall inform the Chief Executive in writing of his comments at least one day before the meeting at which these minutes are to be confirmed.

(5) Reports of any committee which have been subsequently confirmed shall be sent to every member of the Council.

FOURTH SCHEDULE — (ctd)

(6) A member of a committee shall not disclose, except to a member of the Council, a matter dealt with or brought before such committee without its permission until such matter is discussed in Council or is otherwise disposed of.

11. (1) Every committee, shall, at its first meeting, before proceeding to any other business, elect a chairperson and a deputy chairperson.

(2) In the absence of the chairperson or the deputy chairperson, the members present shall elect from amongst themselves a chairperson for that meeting.

(3) Every chairperson or deputy chairperson of a committee shall remain in office until the dissolution of the committee.

12. (1) All questions in committee shall be determined by a majority of members of the committee present and voting.

(2) Unless a member requests a division, voting shall be by show of hands.

(3) In the case of an equality of votes the person presiding at the meeting shall have a second and casting vote.

13. The standing orders of the Council as to rules of debate at the meetings of the Council (other than those relative to standing and speaking more than once) and the standing orders as to interest of councillors and officers in contracts and other matters, shall, *mutatis mutandis*, apply to the meetings of any committee.

14. All notices, reports and other documents and all proceedings of committees shall be treated as confidential unless and until they become public either in the ordinary course of the business of the Council or in accordance with any instruction or authority issued or given by the Council.

15. No business shall be transacted at a meeting of a local authority unless there are present not less than half of the number of members.

**FIFTH SCHEDULE**

*(section 42(3))*

**Areas, places, property and undertakings**

**The cemeteries situated in the district of Port Louis and known as \_**

**The Eastern Cemetery**

**The New Muslim Cemetery**

**That part of Vallée Pitot in the district of Port Louis made up of 2 large blocks of State land leased by the State to the municipality and 2 private properties of which the boundaries are as follows \_**

**North West \_ By Giquel Street.**

**South East \_ By Sauzier Street.**

**South West \_ By Inkermann Street.**

**North West \_ By Malakoff Street.**

**East \_ From the last mentioned point, the boundary runs south-east along Sauzier Street on a distance of 68.58 metres to its junction with Inkermann Street.**

**South \_ From the last mentioned point, the boundary runs south-west along Inkermann Street on a length of 229.13 metres to its junction with Malakoff Street.**

**West \_ From the last mentioned point, the boundary runs north-west along Malakoff Street on a length of 78.02 metres to its junction with Giquel Street, the point of departure.**

SIXTH SCHEDULE

(section 74(1))

State land situate at Guy Rozemont Square

Description of 6 small portions of former War Department land (now State Land) situate at Guy Rozemont Square, formerly Artillery Place, in the Town and District of Port Louis bounded as shown on the plan accompanying the memorandum of survey of surveyor S Pelte, dated 21 November, 1910 and registered in Reg LS 10 No 1943.

PORTION A

(Decaen Street)

Towards the south firstly by Guy Rozemont Square, formerly Artillery Place, secondly by Sujeebunsing or assigns and thirdly by former War Department land (RA Barracks, now State land) on a total length of 78.33 metres.

Towards the west by Engineer Street on 8.84 metres.

Towards the north by railway property into 4 parts firstly along the southern edge of a drain on railway land on 38.71 metres, secondly on the 0.61 metre being the width of a wall, thirdly and fourthly by a wall belonging to the railway on 27.43 metres and 12.50 metres respectively.

Towards the east by a wall belonging to the railway into 2 parts. The first part measures 3.96 metres and the second measures 0.91 metres. This portion contains 705 square yards.

PORTION B

On all sides by Guy Rozemont Square, formerly Artillery Place. This portion is 32.92 metres long and 6.10 metres wide. It contains 240 square yards.

SIXTH SCHEDULE—(ctd)

PORTION C

Towards the north-east and east by the former War Department land (now State land) on 14.32 metres and 34.75 metres respectively.

Towards the south partly by the portion marked F and partly by Guy Rozemont Square, formerly Artillery Place, on a total length of 6.10 metres.

Towards the west by Guy Rozemont Square, formerly Artillery Place, on 47.85 metres

This portion contains 302 square yards.

PORTION D

Towards the north, east and south by Guy Rozemont Square, formerly Artillery Place.

Towards the west by the former War Department land (RA Barracks, now State land).

This portion is 39.01 metres long and 5.18 metres wide. It contains 242 square yards.

PORTION E

On all sides by Guy Rozemont Square, formerly Artillery Place. This portion is 47.24 metres long and 6.10 metres wide.

It contains 344 square yards.

PORTION F

(part of Bouvet Lane)

Towards the north partly by the portion marked C and partly by the former War Department land (now State land) on a total length of 9.14 metres.

Towards the east by the passage called Bouvet Lane on 2.44 metres.

Towards the south partly by the said passage and partly by Guy Rozemont Square, formerly Artillery Place, on 9.14 metres.

Towards the west by Guy Rozemont Square, formerly Artillery Place, on 2.44 metres.

This portion contains 261/2 square yards.

**SEVENTH SCHEDULE**

*(section 78(6) and (7))*

**Part I**

**Immovable properties not subject to local rate**

- 1. Immovable property owned and occupied by any foreign State or any organisation or body accorded diplomatic immunity under any enactment**
- 2. Immovable property owned and occupied by the Government of Mauritius or a statutory corporation exclusively owned by the Government of Mauritius**
- 3. Immovable property owned and occupied by a local authority and situated within its own rating area.**
- 4. Agricultural building or agricultural land.**
- 5. Immovable property belonging to the Curepipe War Memorial Board or to the Austin Wilson Home.**
- 6. Any church, chapel, mosque, temple or similar building used solely as a place of public religious worship.**

**Part II**

**Immovable properties which may be exempted**

**from payment of local rate**

- 1. Immovable property owned and exclusively occupied by any religious institution.**
- 2. Pre-primary, primary and secondary schools and tertiary institution in receipt of grants from the Government.**
- 3. Immovable property exclusively used as an orphanage, infirmary, or crèche.**
- 4. Immovable property or any part thereof belonging to an association registered under the Registration of Associations Act and exclusively used for the purposes of training its members for sporting competitions.**
- 5. Unoccupied immovable property owned by a Statutory Corporation exclusively owned by Government or agencies of Government.**

**EIGHTH SCHEDULE**

*(section 103)*

**Classified trade**

**PART I**

**A**

**Accountant (chartered or incorporated)**

**Accountant (not chartered or incorporated)**

**Advertising agency**

**Agency for import and export**

**Agent in animals**

**Agent in Building**

**Agent in Land**

**Agent in land and building**

**Agent in locally registered motor vehicles**

**Agents of a foreign pool promoter**

**Aluminium Workshop**

**Aquaculture \_ rearing of fish and crustacea (large scale)**

**Architect**

**Art Gallery**

**Asphalt plant**

**Assurance or insurance agency**

**Assurance or insurance company**

**Attorney**

**Auctioneer keeping auction room**

**Auctioneer keeping no auction room**

**Audio visual centre**

**Audiotex Services Provider**

**Automotive workshop with right to repair vehicles having less than 4.0 tons  
unladen weight**

**Automotive workshop with right to repair vehicles having more than 4.0  
tons unladen weight**

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EIGHTH SCHEDULE (*ctd*)

**B**

**Bakery**

**Bakery and Pastry**

**Bank (Main Office)**

**Bank (Branch)**

**Barachois development**

**Beauty care centre**

**Beauty parlour**

**Beauty salon**

**Blacksmith**

**Bonded warehouse**

**Bookmaker**

**Bookseller, Librarian and/or stationery shops**

**Bottler (alcoholic)**

**Bottler (non alcoholic)**

**Bottler of imported liquor**

**Bread Seller**

**Bread seller in vans**

**Bread seller on bicycles and autocycles**

**Breeder of pigs (over 20 heads)**

**Breeder of Deers (above 50 heads)**

**Breeder of monkeys**

**Brewer**

**Brewery**

**Broker**

**Broker customs house**

**Builder of coach**

**Bulk storage of pesticides and dangerous chemicals**

**Butcher's shop**

## **C**

**Caretaker of tombs**

**Caterer**

**Cinema Hall (Manager or owner)**

**EIGHTH SCHEDULE (ctd)**

**Clearing and forwarding agent**

**Clinic**

**Clock and watch maker**

**Cobbler**

**Coin operated gaming machine (per machine)**

**Cold room \_ 0 \_ 46.45 mt2 (for storage and hire only)**

**46.46 \_ 92.90 mt2 (for storage and hire only)**

**above 92.90 mt2 (for storage and hire only)**

**Cold rooms and refrigeration plants**

**Cold Storage**

**Collector (pool bettings)**

**Commission Agent**

**Company having its registered office in the administrative area of a local authority**

**Computer network coordinator**

**Computer Programmer/Software Developer**

**Confectionery of curtains/cushions and other allied products**

**Consultancy Services**

**Consultant (individual)**

**Contractor for hire of audio equipment**

**Contractor for hire of decorative items and equipment**

**Contractor for hire of scaffolding equipment and accessories**

**Contractor of buses \_ per bus, excluding contract buses for the conveyance of tourists**

**Contractor of cars \_ per car, excluding contractor of cars for renting to tourists**

**Contractor of plants and equipment**

**Coppersmith**

**Coral sand crushing and processing establishment**

Crèche

Cybercafé

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## EIGHTH SCHEDULE (*ctd*)

### D

Day care centre

Dealer in aquarium, pets and other related articles

Dealer in autocycles, motorcycles and accessories having right to repair same excluding rental to tourists

Dealer in bicycles and bicycles accessories with right to repair same (having not more than 2 assistants) excluding rental to tourists

Dealer in bicycles and bicycles accessories with right to repair same (having more than 2 assistants)excluding rental to tourists

Dealer in chemical fertilizer

Dealer in computer hardware and software

Dealer in computer hardware and supplies

Dealer in computer hardware only

Dealer in computer software

Dealer in electric and electronic appliances and accessories thereof Dealer in Electronic Commerce

Dealer in fire arms, ammunitions and accessories

Dealer in firewood/charcoal and similar household combustibles

Dealer in fishing accessories and other marine equipment

Dealer in fishing nets

Dealer in footwear and allied products

Dealer in furniture and cabinet ware

Dealer in green and dry fruits and vegetables

Dealer in leather and saddles

Dealer in mechanical engines and accessories

Dealer in motorcycles and autocycles spare parts only

Dealer in motorcycles, autocycles and accessories

Dealer in new motor vehicle spare parts

Dealer in new motor vehicles and new motor vehicle spare parts

**Dealer in new tyres**

**Dealer in old metals**

**Dealer in old metals (on board vessels)**

**Dealer in second hand goods (imported or local)**

**EIGHTH SCHEDULE (ctd)**

**Dealer in second hand motor vehicle spare parts**

**Dealer in second hand motor vehicles and second motor vehicle spare parts**

**Dealer in trade, commercial and industrial equipment & accessories Dealer  
in vacoas bags**

**Dealer in wholesale liquor**

**Dealer of pesticides, herbicides and other chemical products listed under  
any enactment**

**Dental mechanic**

**Depot Laundry**

**Designer/Graphic Designer/Decorator**

**Discotheque**

**Distiller or bottler**

**Distillery**

**Distributing agent of manufactured tobacco**

**Distributor of Alcoholic Beverages**

**Distributor of foodstuff only**

**Distributor of general merchandise**

**Distributor of gold and silver ware**

**Distributor of non Alcoholic Beverages**

**Distributor of non-foodstuffs only**

**Dock owner or agent**

**Dormitory**

**Draughtsman**

**Driving school**

**Dyeing, washing and Bleaching plant**

**E**

**Employment Agency**

**Engineer (Civil, Mechanical etc.)**

**Engraver**

**Enterprise for preparation of meat and fish products**

**Enterprise for refining and processing of edible oil and fats**

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**EIGHTH SCHEDULE (ctd)**

**Enterprise having block making plant manufacturing up to 10,000 blocks per day**

**Establishment for bulk processing, storage and handling of petroleum, petroleum products, liquid gas, coal and petrol chemical products  
Establishment for manufacture of footwear and other allied**

**products**

**Establishment for manufacture of paints and other allied products**

**Establishment for packing of foodstuffs**

**Establishment for parking of motor vehicles against payment**

**Establishment for packing of non-foodstuffs**

**Establishment for processing, bottling and canning of beverages, syrup and water**

**Establishment for sale of blocks, macadam, coral sand and rocks**

**and (on small scale)**

**Establishment for the preparation, packing and storage of butter and milk and other dairy products**

**Establishment for the recording/sale of audio video cassettes and compact discs**

**Establishment having Karaoke lounge for entertainment**

**Establishment having skating ring for entertainment**

**Establishment offering Payphone Services**

**Establishment offering Pest Control Services**

**Establishment providing coin operated Telephone Booth facilities (per booth)**

**Establishment providing digital TV Services**

**Establishment providing Electroplating services**

**Establishment providing Local Area Private Radio Paging services**

**Establishment selling records and cassettes including CD, VCD,**

**DVD**

**Estate Agency**

**Exhibition centre with right to sell articles exhibited therein**

**by retail**

**Exploiter of inland coral/stone quarry**

**EIGHTH SCHEDULE (*ctd*)**

**F**

**Field Board for the display of occasional advertisement (paper and other materials)**

**Filling station with right to sell fuel only**

**Filling station with right to sell fuel, vehicle spare parts and accessories and provide minor mechanical repair facilities**

**Film shooting studio**

**Financing and lending agency**

**Firm of Accountants (chartered or incorporated)**

**Firm of Accountants (not chartered or incorporated)**

**Firm of Architects/Firm of Engineers**

**Firm of Builders**

**Firm of Business Consultants**

**Food processing industry**

**Foundry, smelting plant or metallurgical workshop**

**Firm of Consultants**

**Firm of Contractors**

**Firm of Land Surveyor**

**Firm of project managers**

**Firm of Stockbrokers**

**Firm of Quantity Surveyors**

**Fish processing plant**

**Florist**

**Fortune telling (chiromancy, astrology, etc.) through the use of electronic machines-per machine**

**Foundry**

## **G**

**Galvanising Industry**

**Gaming house holding Casino Licence**

**Gas seller-Wholesale-Retail**

**General Retailer (Foodstuffs) (with or without liquor, rum, beer and other alcoholic drinks off)**

**EIGHTH SCHEDULE (ctd)**

**General Retailer (Non-foodstuffs and foodstuffs with or without liquor, rum, beer and other alcoholic drinks off)**

**General retailer foodstuff and non-foodstuff**

**General retailer foodstuff only**

**General retailer operating in airport**

**General retailer non-foodstuff having authorisation to sell duty free General retailer non-foodstuff only**

**General retailer with the right to sell duty-free articles**

**Gymnasium, excluding those on hotel premises and in leisure and entertainment centres approved by the Ministry of Tourism**

**H**

**Hairdresser**

**Hand Knitting Factory**

**Handcarts**

**Hardware shops not having right to sell cement and iron and steel bars  
Hardware shops with right to sell cement and iron and steel bars**

**Hawker in van/lorry**

**Hawker of any goods, wares, merchandise except gold and silver wares, tobacco, liquor and timber**

**Hawker of fresh provisions in Port Louis Harbour**

**Hawker of manufactured tobacco**

**Hawker on bicycle**

**Hawker on motorcycle, auticycle, tricycle and bicycle**

**Health club with sauna**

**Hire of chairs/tables & other allied accessories**

**Hypermarket**

**I**

**Ice cream parlour**

**Ice Factory**

**Ice-cream (Manufacture, storage and sale)**

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**EIGHTH SCHEDULE (ctd)**

**Industry not elsewhere classified**

**Interior Decorator**

**Internet Services Provider**

**J**

**Job contractor category "A" (having office, workshop and equipment) Job contractor category "B" (having no office, workshop and equipment)**

**Job contractor having office and equipment**

**Job contractor having office only**

**K**

**Keep Fit Centre**

**Kindergarten**

**L**

**Land promoter and property developer**

**Land Surveyor**

**Launderer and Dry Cleaner**

**Launderette**

**M**

**Manufacturer and bottler of soft drinks and aerated minerals**

**Manufacturer of animal feed**

**Manufacturer of candles**

**Manufacturer of ceramics**

**Manufacturer of cider, perry and alcoholic beverages**

**Manufacturer of concentrated fruit juice**

**Manufacturer of country liquor**

**Manufacturer of crown bags**

**Manufacturer of edible oil**

**Manufacturer of floor polish**

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**EIGHTH SCHEDULE (ctd)**

**Manufacturer of Food Items \_ having more than 25 employees**

**Manufacturer of Food Items \_ having not more than 10 employees**

**Manufacturer of Food Items \_ having not more than 25 employees**

**Manufacturer of Food Items \_ self employed**

**Manufacturer of fortified country liquor**

**Manufacturer of furniture and cabinet (more than 5 assistants)**

**Manufacturer of furniture and cabinet (not more than 5 assistants)**

**Manufacturer of glue**

**Manufacturer of gold and silver wares**

**Manufacturer of gold and silver wares having the right to sell imported jewellery**

**Manufacturer of handicraft products (less than 5 employees)**

**Manufacturer of lime**

**Manufacturer of matches**

**Manufacturer of mattresses**

**Manufacturer of non-brewed condiment**

**Manufacturer of perfumes, spirits and cosmetics**

**Manufacturer of plastics and plastic products**

**Manufacturer of pottery**

**Manufacturer of rubber products**

**Manufacturer of salt**

**Manufacturer of ship models**

**Manufacturer of shirts and garments other than industry (more than 10 assistants) (more than 10 assistants)**

**Manufacturer of shirts and garments other than industry (not more than 10 assistants)**

**Manufacturer of soap**

**Manufacturer of spirit vinegar and vinegar**

**Manufacturer of tobacco products**

**Manufacturer of toilet requisites**

**Manufacturer of typewriter ribbons**

**Manufacturer of wax blends and liquid polish**

**Manufacturer of wines**

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**EIGHTH SCHEDULE (ctd)**

**Manufacturer or distributor of alcohol**

**Manufacturer or seller of slabs, bricks, tiles and cement blocks (less than 5 assistants)**

**Manufacturer or seller of slabs, bricks, tiles and cement blocks (more than 5 assistants)**

**Marine Surveyor**

**Marketing Agency**

**Massage Parlour**

**Matrimonial Agency**

**Medi Clinic (having no beds)**

**Medical clinic**

**Medical Laboratory**

**Merchant**

**Metal, Welding, electrical and other allied trades workshop**

**Milkseller**

**Miller (corn flour, coffee, pepper, etc.)**

**Miller (Sugar Factory)**

**Mirror manufacturer**

**Mobile Non-Foodstuff Retailer unit within commercial complex**

**Mobile victualler**

**Modelling Agency**

**Money Changer**

**Money Lender**

**Motor Surveyor**

**Museum**

**N**

**Night Club Keeper except night clubs located in leisure and entertainment centres approved by the Ministry of Tourism**

**Notary Public**

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**EIGHTH SCHEDULE (ctd)**

**O**

**Occasional advertisement**

**Occasional licence for fun fair**

**Occasional licence for game of darts in fancy fair**

**Occasional licence for game of darts within the precincts of**

**the race course on the following days and at the times specified (per stand  
per day)**

**Days Time**

**Days immediately preceding race**

**day falling on Saturday \_**

**Thursday 13.00 hours to 18.00 hours**

**Friday 10.00 hours to 18.00 hours**

**Days immediately preceding race**

**day falling on Sunday \_**

**Friday 10.00 hours to 18.00 hours**

**Saturday 10.00 hours to 18.00 hours**

**Race Day 09.00 hours to 18.00 hours**

**Monday immediately**

**Following race day 12.00 hours to 16.00 hours**

**Occasional licence for game of skill (other than darts) in fancy fair and on  
race day within the precincts of the race course**

**Occasional licence for Public Entertainment Organiser (Per day)**

**Occasional licence for sale of beer, cider, perry, rhum and other alcoholic  
beverages and liquors in fancy fair, trade fairs and other commercial fairs  
(per day)**

**Occasional licence for sale of cakes, refreshments, fruit and photographic**

materials (per day)

Occasional licence for sale of liquor

Occasional licence for sale of liquor (per day and per sale point)

Occasional licence for sale of toys, fire crackers and handicraft per stand & per day

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**EIGHTH SCHEDULE (ctd)**

**Occasional licence for trade fairs and other commercial fairs**

**Occasional licence for trade fairs and other commercial fairs**

**(per stand)**

**Occasional licence for trade fairs and other commercial fairs stall holder  
(per stall)**

**Occasional licence for victualler in fair**

**Occasional licence to sell articles during fairs (per day/per stall)**

**Occasional licence to sell articles during festivities & end of year festivities  
per day per stall**

**Occasional licence to sell Christmas trees (per day)**

**Occasional licence to sell seasonal fruits (per day)**

**Occasional licence victualler fancy fair etc**

**Optician**

**Organiser of Trade Fair**

**Outdoor game entertainer**

**Owner of a place of amusement (per amusement machine)**

**Owner of automatic cigarette machine (per machine)**

**Owner of automatic distributor of canned soft drink**

**Owner of bowling House (per alley)**

**Owner of bus for public transport (per bus) \_ up to 10 buses**

**more than 10 buses Owner of fishing Business (Banian)**

**Owner of fishing business (Banian) \_ not more than 6 fisherman**

**over 6 fisherman**

**Owner of Goods vehicles \_ Carrier's A**

**Owner of Goods vehicles \_ Carrier's B**

**Owner of paramedical Clinic**

**Owner of snooker/pool/billards house (per table)**

**Owner of video games house (per machine)**

**Owner or Manager of Canteen (Industry)**

**Owner or Manager of Canteen (School)**

**Owner or manager of Kiddies Ride entertainment (coin operated  
machine/per machine)**

**Owner or manager of Multi-purpose hall, including wedding hall Owner or  
Manager of Private Parking facilities for Vehicles**

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## EIGHTH SCHEDULE (*ctd*)

### **P**

**Paint Workshop**

**Panel beating and paint workshop**

**Paramedical centre**

**Pastry \_ Manufacturer only**

**Pastry \_ Seller only**

**Pastry shop**

**Pastry with the right to sell wholesale and retail**

**Pawn brokers**

**Pesticides formulation and packing Establishment**

**Petroleum refinery**

**Pets beauty parlour**

**Pharmacies \_(wholesale)**

**(retail)**

**Pharmacy (Ayurvedic)**

**Photo studio**

**Photocopy service**

**Photographer**

**Physiotherapist**

**Places of public entertainment other than Cinema Halls**

**Plant Nursery**

**Pool Promoter**

**Poultry pens (100-500 birds)**

**Poultry pens (above 500 birds)**

**Printer - (more than 5 employees)**

**(up to 5 employees)**

**Private club**

**Private Enterprise offering Courier Services (sub office)**

**Private Nursing Home**

**Private Radio/Television Broadcasting Agency**

**Private Security Agency**

**Processing plant - meat and allied products**

**Project Manager**

**Pulp and paper manufacturer**

## EIGHTH SCHEDULE (*ctd*)

### Q

Quantity Surveyor

### R

Radio Station (Private)

Ready-mix concrete plant Enterprise

Rearing of introduced species, such as crocodiles and monkeys

Rearing of livestock including cattle, goat, pig, poultry and sheep Recycling plant Enterprise

Reptiles, animals, and birds park

Residential Care Homes

Retail dealer of general merchandise in market/fairs

Retailer of beer and country liquor only

Retailer of beer, cider, perry, ale and porter off only

Retailer of beer, cider, perry, ale and porter on and off

Retailer of beer, cider, perry, rum and other alcoholic beverages and liquor on and off

Retailer of beer, cider, perry, rum, and other alcoholic beverages and liquor off only

Retailer of beer, country liquor, fortified country liquor, shandy, cider, perry and other alcoholic beverages

Retailer of beer, cyder, perry, rum & liquor (on & off in Gaming House)

Retailer of drapery and haberdashery

Retailer of gold and silver wares

Retailer of groceries

Retailer of liquor, rum, local rum and compounded spirits "off only"  
Retailer of liquor, rum, local rum and compounded spirits "on and off"

Retailer of liquor, rum, local rum and compounded spirits

(a) for Private Club

(b) for Discotheque

Retailer of manufactured tobacco

**Retailer or manufactured tobacco, non-alcoholic beverages, pastries,  
confectionery and cakes**

**Retreading of tyres**

**Retreading of tyres**

**Rock quarrying**

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## EIGHTH SCHEDULE (*ctd*)

### S

Sand quarry (inland)

Sawmill

Scavenging contractor

School Bus Operator

Seller of Ayurvedic Products

Seller of bread and curry, dhol puree & cakes

Seller of bricks and other concrete items

Seller of cakes, confectionaries, pastries and non alcoholic beverages

Seller of cakes, confectioneries and pastries

Seller of clocks and watches

Seller of dhol puree/cakes on bicycles, tricycle and motorcycle

Seller of dressed fresh chicken meat

Seller of ferns and flowers

Seller of fish and crustacea

Seller of flower/plants (in markets)

Seller of fresh chicken and eggs

Seller of freshly slaughtered chicken

Seller of freshly slaughtered/dressed chicken & eggs

Seller of fruits

Seller of grilled cooked food

Seller of ice cream on motor cycles except on public beaches

Seller of local newspaper and magazines

Seller of lotteries

Seller of lotteries in van

Seller of meat in markets

Seller of medicinal herbs

**Seller of milk Products**

**Seller of newspapers/magazines (local)/lotteries**

**Seller of non-alcoholic beverages in market**

**Seller of optical frames and other allied products**

**Seller of photographic materials**

**Seller of poultry and eggs**

**EIGHTH SCHEDULE (ctd)**

**Seller of ready made garments**

**Seller of record cassettes**

**Seller of roasted peanuts**

**Seller of seasonal fruits**

**Seller of second hand tyres**

**Seller of ship models**

**Seller of traditional medicines**

**Seller of vegetables & fruits in van**

**Seller of vegetables and fruits**

**Seller of vegetables and fruits on motorcycle/autocycle**

**Seller of venison**

**Seller of venison (occasional per day)**

**Serigraphic workshop**

**Shiphandler**

**Shipping Agents**

**Shoemaker**

**Showroom**

**Stevedoring firm**

**Stockbroker**

**Stone crusher - less than 250 HP more than 250 HP**

**Stone Mason (including Tombalist)**

**Store \_ less than 50m<sup>2</sup> to 100 m<sup>2</sup> more than 100m<sup>2</sup>**

**Street vendor**

**Stylist (dress/hair)**

**Sugar factory or refinery**

**Superette**

**Supermarket**

**Supplier of fresh water in Port Louis Harbour**

**Surveyor of goods landed in bad order**

**Sworn broker (Brokers Act 1945)**

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EIGHTH SCHEDULE (*ctd*)

**T**

Tailor

Tanner

Tannery and leather finishing Establishment

Tattoo Studio

Taxi car owner

Taxidermist

Tea hotel or tea shop

Tele Book Organiser

Tele Tote/tote Organiser

Telebook Shop

Textile industry associated with spinning, weaving, washing, knitting, bleaching and printing

Textile, Knitwear and Garment Manufacturing \_ up to \_ 49 employees

50 \_ 150 employees

151 \_ 500 employees

above 500 employees

Timber merchant

Timber treatment plant Enterprise

Timber warehousing

Tinsmith

Tobacco shop

Tote organiser

**U**

Undertaker (manufacturer of coffins)

Undertaker having no funeral vehicle

Undertaker having one or more funeral vehicle

**Upholsterer**

**V**

**Veterinary Surgeon**

**Victualler selling cooked food (off only)**

**Victualler selling cooked food to be consumed on and off the premises**

**Victualler selling grilled food inside premises**

**EIGHTH SCHEDULE (ctd)**

**Victualler selling take-away food**

**Video club**

**Video Club hiring VCD/CD**

**Video games**

**Vocational and Professional Training Organisation**

**Vulcanisation Workshop**

**W**

**Warehouse - 0 - 46.45 sq. mts;**

**46.46 - 92.90 sq. mts;**

**above 92.90 sq. mts**

**Washing and lubricating of vehicles**

**Wharfinger**

**Wholesale dealer**

**Wholesale dealer in rum and compounded spirits**

**Wild game farming/stalking**

**Wine industry**

**Workshop \_ bicycles, motorcycles and autocycles**

**Workshop for alignment of wheel and wheel balancing**

**Workshop for assembly of computers**

**Workshop for grinding of spices**

**Workshop for repair and maintenance of refrigerator**

**Workshop for repair of chemical appliances, refrigerators and other electrical, mechanical appliances, etc.**

**Workshop for repair of electronic appliances.**

**Workshop for repair of watches and clocks**

**Workshop for retreading of tyres and vulganisation**

**Workshop for retreading, tyre repairs chemical appliances, refrigerators and other electrical, mechanical etc. appliances**

**Workshop for screen printing**

**Workshop for the repair of electrical and electronic appliances**

**Workshop for vulcanisation and wheel balancing**

**Workshop metal and welding**

**Workshop not elsewhere classified**

**Workshop or Establishment for assembly of batteries**

**Workshop or Establishment for Assembly of motor vehicles**

**X**

**X-ray and scan centre**

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**EIGHTH SCHEDULE (*ctd*)**

**PART II - Advertisement and publicity fees**

**Advertisement and publicity fees leviable by municipal councils**

- 1. For posting up in streets or on any enclosure, bills, advertisement, programme or notices printed in Mauritius:**

**From 1 to 50 copies**

**For any additional copy**

- 2. For posting up in streets or any enclosure, bills, advertisements, programmes or notices printed abroad:**

**From 1 to 50 copies**

**For any additional copy**

- 3. For posting up in streets or any enclosure, bills, advertisements, programmes or notices to one and the same effect, whether drawn, or painted or partly drawn and partly painted on paper, whatever may be the number of posters for a period not exceeding one year from the date of the first posting.**

- 4. For posting up in streets or any enclosure, bills, advertisements, manner, placards, ensigns, advertisements, notices and all matters painted on wooden boards, canvas, tin, iron or enamelled sheet or any material.**

**For every such poster not exceeding 3 square metres, for any**

**period not exceeding one year from the date of the first posting per 0.1 square metre.**

**For every additional 0.1 square metre or fraction thereof above 3 square metres.**

**EIGHTH SCHEDULE (ctd)**

**5. For publicity slides exhibited in Cinema Halls**

**6. For publicity films exhibited in Cinema Halls**

**For publicity/advertisement in any medium, electronic, digital or analogue  
on a website of the local authority.**

**7. For luminous advertisements**

**0.1 square metre or fraction thereof**

**0.2 square metres to 1 square metre**

**above 1 square metre**

**8. For sky sign.**

**9. For advertisement placed on vehicles.**

**10. For mobile advertisement (eg. sandwich man, etc.).**

NINTH SCHEDULE

(section 128(6))

Guidelines

1. There shall be a Municipal Tender Committee, hereinafter referred to as the Tender Committee, for each local authority.
2. The Tender Committee may enlist the assistance of an officer capable of assisting it with expert advice, but such officer shall withdraw from the Committee at the time of deliberation on the award of a contract.
3. An officer not below the rank of a Senior Clerk shall be appointed as Secretary to the Tender Committee.
4. The Chairperson and the 2 members shall constitute a quorum.
5. The Tender Committee shall meet on such day and at such time as may be determined by the Chairperson.
6. The Secretary shall, when required by the Chairperson, cause a notice inviting tenders to be published in the Government Gazette and in at least 2 daily newspapers.
7. The Secretary shall, on demand, supply prospective tenderers with tender forms.
8. In relation to a contract referred to in section 128(5), the Chief Executive may, if he thinks fit, request the Tender Committee to call for public tenders.
9. The Tender Committee shall, in relation to a contract referred to in paragraph 8, call for public tenders.
10. Tender forms shall -  
  
(a) be approved by the Tender Committee; and

NINTH SCHEDULE (*ctd*)

(*b*) contain description of the goods or services that are required; and

(*c*) set out the general and special conditions of a tender and be consecutively numbered.

11. The Tender Committee may -

(*a*) apply to the Central Tender Board for a list of registered suppliers in respect of items commonly used; or

(*b*) in the absence of a list referred to in subparagraph (*a*), compile an up-to-date list of suppliers.

12. Where, in case of an emergency, tender forms have to be delivered by hand, the tender forms shall not be so delivered without the prior consent of the Chairperson.

13. Where tender forms are delivered by hand, the officer delivering same shall not, there and then, take the form after it has been completed by the supplier.

14. A tender shall -

(*a*) be submitted in a sealed envelope (on which the number of the tender and the matters for which the tender has been submitted shall be legibly marked); and

(*b*) be addressed to the Chief Executive.

15. A tender shall be sent by post or placed in the Municipal Tender box.

16. Where a tender is received by post or by airfreight, the tender shall not be lodged in the Tender box unless the Chairperson and a member have -

(a) endorsed the tender; and

(b) inserted the date on which and the time at which the tender was received.

NINTH SCHEDULE (*ctd*)

17. The Tender Committee shall not consider a tender which -

(a) does not comply with the terms of the tender notice; or

(b) is brought before the Committee contrary to the above provisions.

18. The Tender Committee shall keep a Tender Box in which shall be inserted tenders received by the Committee.

19. The Tender Box shall be secured with 2 locks of which one key shall be kept by the Chairperson and the other by one of the members.

20. The aperture of the Tender Box shall be closed at the time set out in the tender notice as the closure time.

21. Tenders shall be opened in public by or under the supervision of the Chairperson.

22. After a tender has been opened, it shall be -

(a) numbered; and

(b) initialled by the Chairperson and the members.

23. Where, at the opening of a tender, it is found that the tender contains corrections, deletions, or additions, the Chairperson and the members shall initial those corrections deletions and additions.

24. The original tenders shall be kept confidential and in safe custody until a final decision has been reached in respect of the allocation of the contract.

25. Where, following an invitation for tenders, less than 3 tenders are submitted, the Tender Committee may decide to call for fresh tenders.

26. If the Tender Committee does not call for fresh

tenders, the Committee shall give its reasons for not doing so.

NINTH SCHEDULE (*ctd*)

27. The Tender Committee may require a tenderer on submitting his tender, to deposit with the Chief Executive such amount, bond or security as may be fixed by the Committee.

28. The deposit shall be refunded in accordance with the terms and conditions of the tender.

29. The Tender Committee may require the successful tenderer to furnish a security in the form of a cash deposit or a bank guarantee, for the fulfilment of the contract.

30. If the tenderer fails to abide by the contract or any part thereof, the security may be forfeited.

31. The Tender Committee shall not refer a tender back to a tenderer for amendment.

32. The Tender Committee may seek the advice of the local authority's legal adviser in respect of any legal issue that may arise in relation to a tender.

33. The Secretary shall notify each tenderer of the acceptance or non acceptance of his tender.

34. The Tender Committee may, by notice in writing, require the successful tenderer to -

(a) sign a formal contract; and

(b) complete all other formalities in relation to the contract,

within 10 days of such notification or within such other period as the Committee may decide.

35. A contract shall be signed in duplicate by the Chairperson, on behalf of the local authority, and the tenderer.

36. The Secretary shall -

(a) keep the original contract and the successful

tender in safe custody; and

(b) deliver the duplicate of the contract to the contractor.

NINTH SCHEDULE (*ctd*)

37. Once a contract has been signed, the contract shall not be -

(a) amended;

(b) altered; or

(c) assigned,

unless the authority of the Mayor acting on behalf of the Council has been obtained.

38. In the execution of its duties, the Tender Committee shall strive to achieve the highest standards of equity, taking into account -

(a) equality of opportunity to all prospective tenderers;

(b) fairness of treatment to all parties; and

(c) the need to obtain the best value for money in terms of price, quality and delivery, having regard to set specifications.

39. The Tender Committee shall keep a register known as "Register of Tenders".

40. The Secretary shall enter particulars in respect of all tenders dealt with by the Tender Committee in the Register of Tenders.

41. Where a tender in respect of more than one item has been submitted, and the Tender Committee has given its approval for some, but not all, of the items, the Chairperson and the members shall affix their signature -

(a) on the tender form; or

(b) where a list of the items is annexed to the tender form, next to the item or items approved by the Tender Committee.

42. After consideration by the Tender Committee, the original tenders shall be kept confidential and in safe custody for record and audit purposes.

NINTH SCHEDULE (*ctd*)

43. When calling for tenders, the Tender Committee may require tenderers to submit a sample or samples of the goods for which tenders are called for.

44. The Tender Committee may seek the assistance of an expert capable of assisting it in connection with the quality of the samples submitted.

45. Where expert advice is required in relation to the quality of samples submitted, the samples shall be labelled and numbered to correspond with the number of the tender but the name of the

Tenderer shall -

(a) not appear on the label; and

(b) not be disclosed to the expert whose advice is sought.

46. The Secretary may, in appropriate cases, furnish the departmental officers with a sample of the article accepted by the Tender Committee in order that the officers may verify whether the goods supplied under the contract correspond with the sample.

47. Where the samples are retained by the Tender Committee,

they shall -

(a) be kept in safe custody by the Secretary; and

(b) be made available to departmental officers for inspection, on demand.

48. Where a sample is submitted together with a tender, the departmental officers shall satisfy themselves that the articles supplied under the contract correspond with the sample.

49. Where the goods supplied under the contract

do not correspond with the sample -

(a) the matter shall immediately be referred to the Chairperson; and

(b) the goods may be returned to the contractor.

NINTH SCHEDULE (*ctd*)

50. Where a dispute arises between a contractor and a departmental officer in relation to a contract, the matter shall be referred to the Chairperson.

51. The Secretary shall keep a Register of Suppliers/Contractors, in which shall be entered the name and other particulars of all suppliers and contractors who have -

(a) been in breach of contract; or

(b) in any other way failed to give satisfaction in respect of a contract.

52. Where a supplier or contractor who has -

(a) been in breach of contract; or

(b) in any other way, failed to give satisfaction in respect of a contract,

submits a tender in response to an invitation for tenders, the previous breach or failure shall be taken into account by the Tender Committee.

53. Where the estimated value of a contract for the supply of goods or services, or execution of works exceeds one million rupees or such other sum as may be prescribed, the matter shall be referred to the Central Tender Board.

54. Where the Tender Committee has invited tenders under paragraph 8, and a tender submitted in response to the invitation is more than one million rupees or such other sum as may be prescribed, the Tender Committee shall refer the matter to the Central Tender Board for approval.

55. Where the Tender Committee decides to refer a matter to the Central Tender Board under paragraph 54, the reference shall be made on an approved form.

56. Where a variation in a contract price

subsequent to the conclusion of the contract causes the total contract value to exceed one million rupees or such other sum as may be prescribed, by more than 20%, the matter shall be referred to the Central Tender Board.

## TENTH SCHEDULE

*(section 146(2)(q))*

### SCHEDULE

*(sections 15 and 36)*

1 Tariff of fees for permits leviable by a local authority for-

*(a)* the construction of any building per square metre of flooring in respect of each storey

*(b)* repairs to any building (flat rate)

*(c)* erection of an enclosure wall, in masonry, concrete or any metal other than corrugated galvanised iron sheets per metre in length

*(d)* erection of a wooden enclosure or any other enclosure, not mentioned in paragraph (c) per metre in length

*(e)* improvement to any building not carrying an extension of floor area

*(f)* the processing of any application for a development permit.

2. For every small bridge (ponceau) in front of a building or private yard, per metre in length.

3. For complete obstruction of a street, for private work, per day.

4. For complete obstruction, by any person other than a public undertaker, of half a street, or less, for any reason, for each 6 metres, or fraction of 6 metres per day and not applicable to authorities providing services or utilities.

5. For a permit to dig across or along a public road or to undertake any excavation work on a public road -

(a) where minor work is to be reinstated by local authority \_

(i) lump sum per site

(ii) reinstatement fee per square metre of tarred road

(iii) reinstatement fee per square metre of untarred road

TENTH SCHEDULE (*ctd*)

(b) where work is to be reinstated by public undertaker \_

(i) lump sum per site

(ii) cash security to be deposited by the undertaker to cover total cost of reinstatement of the road to the satisfaction of the local authority, per square metre of road to be reinstated

6 For any enclosure approved by the engineer which shall not exceed the width of the footway, for work carried out in the line of the street, the right of erecting scaffoldings not projecting beyond such enclosure, for each 6 metres, or fraction of 6 metres, per day

7 For blinds, including those usually called 'stores' on the ground floor projecting or hanging on the public footpath or pavement\* (a free\* space of 2 metres having to be left between the edge of the blind and the footpath)

Not exceeding in length 4.5 metres, per year

Not exceeding in length 15 metres, per year

Not exceeding in length 18 metres, per year

8 For every forge, whether portable or not

9 For every oven exceeding the size of an ordinary kitchen oven

10 For every fire place to be used for a factory

11 Upon installation of every electric motor -

From 186.4 W not exceeding 1491.4 W

Above 1491.4 W not exceeding 2982.8 W

Above 2982.8 W not exceeding 3728.5 W

TENTH SCHEDULE (*ctd*)

Above 3728.5 W not exceeding 7457 W

Above 7457 W not exceeding 11,185.5 W

Above 11,185.5 W not exceeding 18,642.5 W

Above 18,642.5 W

12 For every steam boiler or steamgoing machine, or every engine driven by steam, petrol, diesel oil or gas used in any factory or workshop or for any commercial purposes

13 Or every mechanical workshop or factory (in addition to any fee payable for any forge, fireplace, boiler, electric motor or machine above-mentioned), for any commercial or trade process, per factory, workshop or commercial or trade process

14 For the erection of filling stations, for each station

15 (a) Merry go-round (outside a circus or fun fair) power driven, per installation (exclusive of fee for installation of motor)

(b) Merry-go-round (outside a circus or fun fair) driven by man-power, per installation

(c) Montagnes-russes (outside a circus or fun fair) per installation

(d) Circus or fun fair

16 For parking a vehicle in a prescribed parking place and during the prescribed hours \_

(a) for every 1 hour not exceeding 2 hours

(b) for any time in excess of 2 hours

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By Authority : The Government Printer, La  
Tour Koenig 3969/8/2003—1896