

THE LOCAL GOVERNMENT (AMENDMENT) ACT

(Act No. 23 of 2005)

I assent

18th August 2005

SIR ANEROOD JUGNAUTH
President of the Republic

ARRANGEMENT OF SECTIONS

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**An Act
To amend the Local Government Act**

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Local Government (Amendment) Act 2005.

2. Interpretation

In this Act –

“principal Act” means the Local Government Act.

3. Section 8 of principal Act amended

Section 8 of the principal Act is amended by repealing subsection (1) and replacing it by the following subsection -

(1) Subject to the Representation of the People Act, an election of municipal councillors shall be held in 2005, and thereafter in every succeeding fifth year, on such date as shall be fixed by the President.

4. Section 17 of principal Act amended

Section 17 of the principal Act is amended in subsection (1), by deleting the words “In 2006 and thereafter in every succeeding fifth year between the 10th and 15th day following the return of candidates at village council elections” and replacing them by the words “Between the 10th and 15th day following the return of candidates at village council elections held in 2005 and thereafter in every succeeding fifth year”.

5. Section 20 of principal Act amended

Section 20 of the principal Act is amended in subsection (7), by deleting the figure “2006” and replacing it by the figure “2005”.

6. Section 23 of principal Act amended

Section 23 of the principal Act is amended -

(a) in subsection (1) –

(i) by deleting the figure “2006” and replacing it by the figure “2005”;

(ii) in paragraph (b), by deleting the words “before 1 December on a day to be fixed by the President and before 10 December respectively” and replacing them by the words “on a date to be fixed by the President and within one week of that date respectively”;

- (b) in subsection (4), by deleting the figure “2006” and replacing it by the figure “2005”.

7. Consequential amendment

The Representation of the People Act is amended –

- (a) in section 2 –
 - (i) by deleting the definition of “council” and replacing it by the following definition –

“council” means the Assembly, the Rodrigues Regional Assembly, a municipal council or a village council;
 - (ii) by deleting the definition of “local authority”;
 - (iii) in the definition of “local government area”, by deleting the words “a town or district or a ward” and replacing them by the words “a ward or village”;
 - (iv) in the definition of “local government election”, by deleting the words “a local authority” and replacing them by the words “a municipal council or a village council”;
 - (v) by inserting the following new definitions in the appropriate alphabetical order –

“village” has the same meaning as in the Local Government Act;

“village council election” means the election of members of a village council;
 - (vi) in the definition of “ward”, by deleting the figure “4” and replacing it by the figure “7”;
- (b) in section 4A(1), by inserting immediately after the words “Rodrigues Regional Assembly Act 2001”, the words “and sections 27 and 28 of the Local Government Act”;
- (c) in section 8, by repealing subsection (2) and replacing it by the following subsection -
 - (2) (a) Where a registration area of a constituency comprises a part of a local government area, the registration officer for the constituency shall prepare, in respect of the registration area, a list of local government electors or Rodrigues Regional Assembly electors, as the case may be, for that part of the local government area.

(b) A list of local government electors or Rodrigues Regional Assembly electors, as the case may be, under paragraph (a) shall include every person who –

(i) where the local government area is a ward –

(A) is entitled, under section 27 of the Local Government Act, to be registered as an elector for elections held under section 8 of that Act in respect of the ward; and

(B) is a resident of, or has any other qualification under section 27(1)(c) of the Local Government Act in respect of, the part of the ward which is comprised in the registration area;

(ii) where the local government area is a village -

(A) is entitled, under section 28 of the Local Government Act, to be registered as an elector for the election of members of the village council; and

(B) is a resident of, or has any other qualification under section 28(c) of the Local Government Act in respect of, the part of the village which is comprised in the registration area.

(c) A list of Rodrigues Regional Assembly electors under paragraph (a) shall include every person who is entitled, under section 5 of the Rodrigues Regional Assembly Act 2001, to be registered as an elector for the election of members of the local region

(d) in section 81, by deleting the words “local authority” wherever they appear and replacing them by the words “town or village”;

(e) in the Schedule, in Form D –

(i) by deleting the word “District” wherever it appears and replacing it by the word “Village”;

(ii) by deleting the words “Payment of local rates in the Town/District of” and replacing them by 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 N°
..... in the Ward of the Town of
.....
.....

8. Non-application of section 4 of the Representation of the People Act

Notwithstanding section 4 of the Representation of the People Act, no register shall be compiled in 2005 of persons entitled to be registered as electors in that year.

Passed by the National Assembly on the sixteenth day of August two thousand and five.

Ram Ranjit Dowlutta
Clerk of the National Assembly