

THE LOCAL GOVERNMENTS (AMENDMENT) (NO. 2) ACT, 2001.

ARRANGEMENT OF SECTIONS.

Section.

1. Short title.
2. Amendment of section 28 of principal Act.
3. Section 161B of principal Act replaced.
4. Section 163 of principal Act replaced.
5. Section 171A of principal Act replaced.

**THE LOCAL GOVERNMENTS (AMENDMENT) (No. 2)
ACT, 2001.**

An Act to amend the Local Governments Act, 1997.

DATE OF ASSENT: 3rd November, 2001.

Date of commencement: 3rd November, 2001.

BE IT ENACTED by Parliament as follows—

1. Short title

This Act may be cited as the Local Governments (Amendment) (No. 2) Act, 2001.

2. Amendment of section 28 of principal Act

Section 28 of the Local Governments Act, 1997 in this Act referred to as the principal Act, is amended—

(a) by substituting for subsection (1) the following subsection—

28. “Councillors not to hold two political offices, etc

(1) A Member of Parliament or a Minister of the Government shall not, concurrently with that office, hold a Local Government political office of Chairperson, Vice Chairperson or Secretary or be a Councillor at a Local Government or a Parish Administrative Unit”.

(b) by substituting for subsection (4) the following subsection—

“(4) For avoidance of doubt—

(a) a member of a Village Executive Committee shall resign his or her office on the Village Executive Committee if elected to the Parish or Ward Executive Committee;

(b) a member of a sub-county Executive Committee shall not resign his or her office on the Sub-County Executive Committee if elected as Chairperson or Vice-Chairperson of the County Administrative Council.”

3. Section 161B of principal Act replaced

The principal Act is amended by substituting for section 161B the following section—

161B “Nomination approval and removal of Executive Committee members

(1) Members of the Executive Committee at the Village and Parish level shall be nominated by the Chairperson from members of the council present and then be presented to their respective Council for approval one by one by a show of hands.

(2) For avoidance of doubt, the approval shall be done on the day of election of the Chairperson.

(3) The office of a member of the Executive Committee at the village and parish level shall fall vacant if—

(a) the appointment of a member is revoked by the Chairperson;

(b) the member—

(i) resigns from office;

(ii) becomes disqualified to be a member of the Council;
or

(iii) dies;

(c) a new Chairperson assumes office; and

(d) where the Council passes a vote of censure on a member except that the vote of censure shall be supported by more than half of all the members of the Council”.

4. Section 163 of principal Act replaced

For section 163 of the principal Act there is substituted the following section—

163 “Quorum at Parish and County Council elections

(1) The quorum for any meeting of a Parish or County Council for elections shall be one third of all the members of the Council.

(2) A quorum shall not be taken to exist under sub-section (1) unless, in the case of a parish, the members of the Executive Committees of at least half of the villages in the Parish are present, or in the case of a County, unless the members of the Executive Committees of at least half of the Sub-counties in the county are present”.

5. Section 171A of principal Act replaced

For section 171A of the principal Act there is substituted the following section—

171A. “Time for holding local council elections

Elections of all Local Government Councils shall take place at least sixty days before the expiry of the term of the existing Councils, but shall not coincide with Presidential or Parliamentary elections”.