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H.B. 15, 2007

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LOCAL GOVERNMENT LAWS AMENDMENT BILL, 2007

MEMORANDUM

The purpose of this Bill is to amend the Rural District Councils Act [*Chapter 29:13*], the Urban Councils Act [*Chapter 29:15*] and the Electoral Act [*Chapter 2:13*] so as to make provision for various matters arising from the Constitution of Zimbabwe Amendment (No. 18) Act and the Electoral Laws Amendment Act, 2007.

Clauses 2 to 4

These clauses amend the Rural District Councils Act [*Chapter 29:13*]. The amendments relate to the constitutional reassignment (from the President to the Commission) of the responsibility for dividing council areas into wards. The amendments also abolish the rule that each ward should only include a single category of land tenure (communal, resettlement or commercial farming land). This rule is no longer tenable in the wake of the Land Reform and Resettlement Programme.

Clauses 5 to 30

These clauses amend the Urban Councils Act [*Chapter 29:15*]. Some of the amendments relate to the constitutional reassignment (from the President to the Commission) of the responsibility for dividing council areas into wards and the abolition of non-synchronous local and national elections by the Constitution (see **clauses 6 and 11**). Other amendments simply substitute references to the repealed Electoral Act of 1990 and the Registrar-General of Elections by references to the Electoral Act of 2004 and the Registrar-General of Voters (see **clauses 8, 10, 11, 13, 15 and 30**). More importantly, **clauses 12 and 14** seek to abolish the office of executive mayor, which was created in 1995. Incidentally to the abolition of the office of executive mayor, the executive committee of municipal councils is also abolished and its powers are re-vested in the council (see **clauses 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28 and 29**). This committee was an adjunct to the office of executive mayor. Together, the executive mayorship and executive committee tended to relegate the elected council to the status of a mere consultative body. Both these institutions also imposed onerous additional financial burdens on the municipal councils.

As a consequence, the office of mayor, as well as that of deputy mayor, chairperson and deputy chairperson of a municipal or town council, will revert to being elected by local

authority councils (see **clause 22**). In order to add value to the deliberations of elected councils, provision is made for the appointment by the Minister of non-voting councillors representing special interests not exceeding one quarter of the elected membership of a council (see **clause 7**; this provision is similar to section 14 of the Rural District Councils Act).

Section 80 of the Urban Councils Act, empowering the Minister responsible for local government to appoint a commissioner for an urban council area, will also be repealed; instead of commissioners the Minister may appoint not more than three caretakers for a council that for any reason is deprived of all of its councillors, or cannot function because it is insolvent or does not have a quorum. The caretakers can only hold office for 90 days or until the next election of councillors, whichever occurs sooner (see **clause 16**).

Clause 31

This clause will amend the Electoral Act [*Chapter 2:13*] to remove provisions in that Act that relate to the office of executive mayor of a municipality.

Clause 32

This clause provides for the vacation of office by executive mayors and commissioners appointed before the date of commencement of this Bill as an Act and in office as at that date.