

THE LOCAL GOVERNMENT (AMENDMENT NO. 2) BILL
(No. XXI of 2023)

Explanatory Memorandum

The object of this Bill is to amend the Local Government Act to provide that the office of a Municipal City Councillor, Municipal Town Councillor and Village Councillor shall become vacant on the date of publication of such vacancy in the Gazette, and to provide for matters connected and related thereto.

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*Vice-Prime Minister, Minister of Local Government
and Disaster Risk Management*

01 December 2023

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 37 of principal Act amended
 4. New section 37A inserted in principal Act
 5. Section 39 of principal Act amended
 6. Section 40 of principal Act amended
 7. Section 42 of principal Act amended
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A BILL

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 No. 2) Act 2023.

2. Interpretation

In this Act –

“principal Act” means the Local Government Act.

3. Section 37 of principal Act amended

Section 37 of the principal Act is amended by repealing subsection (2).

4. New section 37A inserted in principal Act

The principal Act is amended by inserting, after section 37, the following new section –

37A. Resignation from group

(1) For the purpose of section 37(3), a person who has been elected as a Municipal City Councillor, Municipal Town Councillor or Village Councillor shall be deemed to have resigned from his group where –

- (a) he gives notice in writing to the appropriate Chief Executive; or
- (b) his group gives notice in writing to the appropriate Chief Executive that the Councillor no longer forms part of the group.

(2) Where a group gives notice in writing under subsection (1)(b), the notice shall –

- (a) be duly signed by the leader, president, secretary and 2 other members of the group certifying that the Councillor no longer forms part of the group; and

- (b) be accompanied by a certified extract of the minutes of proceedings of the meeting at which decision was taken that the Councillor no longer forms part of the group.

5. Section 39 of principal Act amended

Section 39 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “forthwith declare his office to be vacant” and replacing them by the words “forthwith notify the Minister, in writing, of such vacancy”;
- (b) by repealing subsection (2) and replacing it by the following subsection –

(2) The Minister shall, on receipt of the notification of vacancy under subsection (1), cause the vacancy to be published in the Gazette and the vacancy shall take effect on the date of such publication.

6. Section 40 of principal Act amended

Section 40 of the principal Act is amended –

- (a) in paragraph (a), by deleting the words “on receipt of the resignation by the Chief Executive” and replacing them by the words “on the date of publication of the vacancy in the Gazette pursuant to section 39(2)”;
- (b) in paragraph (e), by deleting the words “by the Chief Executive” and replacing them by the words “pursuant to section 39(2)”.

7. Section 42 of principal Act amended

Section 42 of the principal Act is amended –

- (a) by repealing subsection (1);
 - (b) in subsection (2), by inserting, after the words “The vacant seat”, the words “of a Municipal City Councillor, Municipal Town Councillor or Village Councillor”.
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