

S T A T U T O R Y I N S T R U M E N T S

2007 No. 5.

**The Local Governments (Requirement for Seeking Technical and
Legal Advice) Regulations, 2007.**

(Under section 175 of the Local Governments Act, Cap. 243)

IN EXERCISE of the powers conferred upon the Minister responsible for local governments by section 175 of the Local Governments Act, these Regulations are made this 22nd day of December, 2006.

1. Title

These Regulations may be cited as the Local Governments (Requirement for Seeking Technical and Legal Advice) Regulations, 2007.

2. Requirement to seek technical and legal advice in certain circumstances

(1) A person holding a political or public office at a district or lower local governments council shall, before directing or concurring in the use of public funds or property, whenever giving effect to the direction is likely to result in the decision being challenged in court or in the loss of public funds, seek technical or legal advice.

(2) The technical advice shall be sought from the Chief Administrative Officer or a head of departments.

(3) The legal advice shall be sought from the Attorney General or a

person approved by the Attorney General.

(4) A person required to seek advice under subregulation (1) shall act in accordance with the advice given under that subregulation.

3. Attorney General or Ministry to be consulted in case of doubt or disagreement

(1) In case of doubt or where the local council leaders do not agree with the technical advice given by the technical officers they shall consult the Ministry responsible for local governments before taking any action on the matter to which the advice relates.

(2) In case of doubt or where the local council leaders do not agree with the legal advice given by a person approved by the Attorney General they shall consult the Attorney General before taking any action on the matter to which the advice relates.

(3) Any person required to seek advice under subregulations (1) and (2) shall act in accordance with the advice given by the Attorney General or the Ministry responsible for local governments.

4. Recovery of loss from person responsible

Where any councillor or group of councillors or any person required to seek and take advice under these Regulations—

(a) refuses to do so; or

(b) without reasonable excuse, fails to do so,

the council shall recover from any such councillor or person, any loss resulting from their not seeking and taking advice as required by these Regulations.

5. List of cases in which advice shall be taken under regulation 2.

Without prejudice to the general effect of regulation 2, the requirement to seek and take advice under that regulation applies to the circumstances specified in the Schedule to these Regulations.

SCHEDULE

REGULATION 5

CIRCUMSTANCES IN WHICH TECHNICAL AND LEGAL ADVICE SHALL BE SOUGHT

1. Censure of a Speaker or member of executive committee of a local government council.
2. Termination of services of a local government employee.
3. Termination of contract for provision of a service.
4. Imposition of tax or charge in a council.
5. Mortgaging council property.
6. Borrowing from financial institutions or money lenders.
7. Selling council properties.
8. Entering into twining or partnership arrangements with foreign organisations or local authorities.
9. Any other contractual obligation.

MAJ. GEN. KAHINDA OTAFIIRE,
Minister of Local Government.

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2007 No. 4.

The Local Governments (Financial and Accounting) (Amendment) Regulations, 2007.

(Under section 78(2) of the Local Governments Act, Cap. 243)

IN EXERCISE of the powers conferred on the Minister by section 78(2) of the Local Governments Act, these Regulations are made this 27th day of June, 2006.

1. Title

These Regulations may be cited as the Local Governments (Financial and Accounting) (Amendment) Regulations, 2007.

2. Commencement

These Regulations shall be deemed to have come into force at the same time as the Local Governments (Public Procurement and Disposal of Public Assets) Regulations, 2006.

3. Revocation of Part IX of S.I 243 -15

Part IX of the Local Governments (Financial and Accounting) Regulations is revoked.

MAJ. GEN. K. OTAFIIRE,