

THE
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General Notice No. 68 of 1957.

**The Local Government Councils
Ordinance, 1953.**

**Burao Local Government Council
Warrant.**

In exercise of the powers conferred upon the Governor by section 4 of the Local Government Councils Ordinance, 1953, and in consultation with the Executive Council, I, John Reynolds Stebbing, Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Somaliland Protectorate, hereby appoint the Burao Local Government Council (hereinafter referred to as "the Council") as hereunder constituted to be as from the 1st October, 1957, the Council for the area of Burao as defined in the First Schedule hereto.

The Council shall have the duties and powers hereinafter set out and shall act in accordance with the rules of procedure attached hereto (hereinafter referred to as "the rules").

Constitution
of the
Council.

1. For the purpose of the exercise of the duties and powers hereinafter set out there shall be constituted a Council for the area of Burao.

Composition
of the
Council.

2. The Council shall consist of not less than fifteen and not more than twenty-four persons who shall include a Chairman and a Vice-Chairman.

Chairman
and Vice-
Chairman.

3. (1) The Chairman of the Council shall be the District Commissioner, Burao (hereinafter referred to as "the District Commissioner").

(2) The Vice-Chairman of the Council shall be such person as may be nominated by the Chairman from among the members of the Council.

4. (1) The members of the Council other than the Chairman shall be such persons (hereinafter called "the ordinary members") qualified as regards the elected members, in accordance with the provisions of clause 5 hereof and willing to serve, as shall be elected or appointed in accordance with the provisions of this clause.

Election and appointment of members.

(2) A maximum of eight ordinary members shall be elected at elections to be held in accordance with such rules as may from time to time be made by the District Commissioner with the approval of the Chief Secretary and the Attorney General and published locally.

(3) A maximum of fifteen ordinary members shall be appointed by the District Commissioner at his discretion.

5. (1) A person shall be qualified to be elected an ordinary member of the Council if he is a male over 25 years of age and has during the last 10 years been ordinarily resident in the area for not less than 2 years and is qualified to vote as an elector under any electoral rules from time to time made under clause 4(2) hereof.

Qualifications of ordinary members.

(2) In elections held under clause 4(2) hereof the following persons may not be nominated for election:—

- (i) undischarged bankrupts and persons whose property is subject to composition or arrangement with creditors;
- (ii) any person who has within the previous 10 years been sentenced to imprisonment for more than 3 months for an offence involving moral turpitude and not in default of payment of a fine; the Chairman of the Council being the sole interpreter of what constitutes moral turpitude for the purposes of this disqualification;
- (iii) persons of unsound mind

- (iv) persons employed in the service of the Government or of a Local Government Council provided that until such time as the Governor decides that sufficient and suitable Somalis not in the service of the Government are available, persons in the service of the Government may be nominated for election as members of the Council.

Term of
office of
members.

6. (1) The term of office of an elected member shall be for a period of 3 years:

Provided that of the first elected members, 2 to be chosen by lot shall retire at the end of the first year and 3, similarly chosen, shall retire at the end of the second year.

(2) A retiring member, if otherwise qualified, shall be eligible for re-election.

(3) The term of office of a nominated member shall be for a period of 3 years unless terminated sooner.

Casual
vacancies
among
members.

7. (1) Casual vacancies among members shall occur upon any of the following events:—

(i) non-acceptance or resignation of office;

(ii) loss of qualification under clause 5 (1) or clause 5 (2) hereof;

(iii) failure by a member to attend three consecutive meetings of the Council or of any Committee of which he is a member unless the Chairman of the Council or of the Committee in question certifies in writing that the failure was due to some reason approved by him;

(iv) in the case of appointed members, an order of removal in writing by the District Commissioner;

- (v) in the case of elected members, a unanimous vote of the Council that any elected member has by his words or conduct brought the Council into disrepute; the member concerned having been permitted to be heard in his own justification but being deprived of any vote upon the issue;
- (vi) in the case of a Government servant, transfer (not being temporary) from the area;
- (vii) death;
- (2) (i) on a casual vacancy occurring among the appointed ordinary members the District Commissioner shall appoint a fit and qualified person to fill the same;
- (ii) on a casual vacancy occurring among the elected members the Council shall appoint a fit and qualified person to fill the same and such person shall continue to be a member until the date of election next following the occurrence of the vacancy when he shall cease to be a member and the vacancy shall thereupon be filled by a person elected in accordance with clause 4 hereof and qualified in accordance with clause 5 hereof.

8. (1) There shall be an Executive Officer of the Council who shall be such person as shall from time to time be appointed in that behalf by the Chief Secretary after taking into consideration the wishes of the Council.

Executive
Officer of
Council.

(2) The Executive Officer shall attend all meetings of the Council but shall not have a vote.

(3) The Executive Officer shall be responsible for the carrying out through appropriate agents of all acts and orders of the Council and (save in so far as the responsibility has been assigned by the Council to any other agent of the Council) of every Committee thereof and shall have custody of this Warrant and of all deeds and documents of the Council.

Treasurer
of Council.

9. The Chief Secretary after taking into consideration the wishes of the Council shall from time to time appoint a fit person to be Treasurer of the Council who may or may not be the aforesaid Executive Officer.

Other
servants of
Council.

10. (1) The Council may from time to time appoint such other servants as it may think necessary for the efficient discharge of its functions and for whose emoluments if any, provision has been made in the approved Estimates of the Council.

(2) The Council shall allow any such servant such remuneration as it may think reasonable. Subject to the provisions of any contract governing the service, every servant shall hold his employment at the pleasure of the Council:

Provided that the Executive Officer and the Treasurer shall not be discharged without the approval of the Chief Secretary.

Powers of
the Council.

11. The Council shall:—

- (i) exercise the powers detailed in Part I of the Second Schedule hereto and any other powers conferred upon it or lawfully delegated to it by or under the terms of the Local Government Councils Ordinance, 1953, or any other Ordinance;
- (ii) administer the public services detailed in Part II of the Second Schedule hereto and any other public service which it may from time to time be authorised to administer and make bye-laws concerning the said public services;
- (iii) execute or administer the works, schemes or undertakings of public utility detailed in Part III of the Second Schedule hereto and any other work, scheme or undertaking of public utility which it may from time to time be authorised to administer;

- (iv) collect as agent of the Central Government any taxes, dues, fees or other Government revenue whatsoever which the Chief Secretary may in writing empower it to collect;
- (v) with the approval of the Financial Secretary and subject to such conditions as he may prescribe, to enter into any contract for the execution on its behalf of any work, scheme or undertaking of public utility which it is authorised to execute or administer under paragraph (iii) hereof.

FIRST SCHEDULE.

Description of Area.

All that area comprising the township of Burao as may be defined from time to time under the Townships Ordinance.

SECOND SCHEDULE.

Part I.

- (a) All the powers conferred on a Local Government Council under the Local Government Councils Ordinance, 1953.
- (b) To collect in Burao and credit to its budget:—
 - (i) The charges and fees levied or fixed in accordance with the Local Government Councils Ordinance, 1953.
 - (ii) The fees prescribed for licences under the Traders' Licensing Rules.
 - (iii) The fees prescribed under the Dog Licences Rules.
 - (iv) The dues collected under the Zariba Dues (Imposition and Collection) Rules.
 - (v) The fees collected under the Fees and Royalties (Conservancy Fees) Rules.
 - (vi) The fees collected under the Townships (Control of Grazing) Rules, 1952.
 - (vii) The fees collected under the Fees and Royalties (Slaughter-house Fees) Rules, 1954.

- (viii) Ground rents and premiums in respect of all public land let on lease or licence within the area.
- (ix) Taxes due under the House Tax Ordinance, 1952.

Part II.

- (a) Conservancy.
- (b) Refuse disposal.
- (c) Sanitation.
- (d) Provision and maintenance of gardens and open spaces.
- (e) Construction and maintenance of streets and drains.
- (f) Control of Markets.
- (g) Elementary and Koranic Education.
- (h) Outpatients Dispensary.
- (i) Grazing Control.
- (j) Provision, care, maintenance and improvements of places of public worship.
- (k) Provision of cemeteries and control of burying.
- (l) Control of music and dancing.
- (m) Provision and maintenance of public lighting.
- (n) Control of erection of portable dwellings.
- (o) Care of destitutes and cripples.

Part III.

Nil.

Given under my hand at Hargeisa this 7th day of August, 1957.

J. R. STEBBING,
Acting Governor.

CS/C.56/3/3.

**Burao Local Government Council
Rules.**

PART I.

**Meetings and Proceedings of Council
and Committees.**

1. The Council shall meet for the transaction of general business so far as possible once in every month on such fixed day and at such time as the Council may from time to time decide. **Ordinary meetings of Council.**

2. An extraordinary meeting of the Council may be called by the Chairman at any time and shall be held within 14 days of the presentation to the Chairman of a request by not less than one-half of the members, provided that the Chairman shall have accepted the proposed agenda. **Extraordinary meetings of Council.**

3. No business shall be transacted at a meeting of the Council unless at least one-half of the members are present. **Quorum of Council.**

4. (1) The agenda of any meeting of the Council shall be settled by the Chairman. **Notice and agenda.**

(2) Any member desiring that any matter shall be included in the agenda of any meeting shall give notice in writing thereof to the Executive Officer at least 7 clear days before the date of the meeting. The Chairman shall include such matter in the agenda unless he certifies that in his opinion it is outside the powers of the Council.

(3) A notice calling the meeting, together with a copy of the agenda, shall be left at the usual place of abode of every member of the Council and shall be posted on the Council Notice Board at least 3 clear days beforehand.

(4) The failure to serve the notice or agenda on any member shall not affect the validity of a meeting, provided that all reasonable

steps have been taken to serve the notice and the agenda in the manner laid down in sub-clause (3).

(5) No business not on the agenda shall be transacted at any meeting unless the Chairman certifies that the business in question is of such urgency that it cannot be left to be transacted at the next meeting of the Council and cannot or is not of sufficient importance to be transacted at any extraordinary meeting to be called for the purpose. Every such certificate shall be recorded in the minutes of the meeting.

Proceedings.

5. (1) At every meeting of the Council the Chairman of the Council if present shall preside, and in the case of his absence the Vice-Chairman and if the Vice-Chairman also is absent the members present shall elect a member from among themselves to preside at such meeting.

(2) In the case of equality of votes, the Chairman or in his absence the Vice-Chairman shall have a second or casting vote. In the absence of both the Chairman and Vice-Chairman, the matter shall be adjourned to the next meeting of the Council.

(3) Save and so far as the Council may have delegated any of its powers to a Committee, all acts of the Council and all questions that may come before it shall be done and decided by the majority of the members who shall be present at any meeting.

Minutes of Meeting.

5. (1) Minutes of the proceedings of every meeting of the Council shall be drawn up and entered in a book kept for that purpose.

(2) Minutes of a meeting shall record only such resolutions and amendments thereto, whether the same are passed or rejected, as are proposed at the meeting together with the names of the proposer and seconder and the decision taken thereon.

(3) The minutes shall be recorded in English and shall be kept by the Executive

Officer and shall be read and if passed by the Council signed by the person, presiding at the next meeting of the Council.

7. The minutes of the proceedings of the Council shall at all reasonable times be open to the inspection of any member of the public who may obtain a copy thereof or an extract therefrom on payment of such reasonable fees as may be prescribed by the Council.

Minutes open to inspection.

8. The Chairman or the person presiding may adjourn any meeting to a subsequent date on a resolution being passed to that effect, and shall do so if at any time a quorum of the Council is not present.

Adjournment of meetings.

9. The Chairman, or the person presiding at a Council meeting may invite any person not a member of the Council to attend a meeting or part of a meeting of the Council in an advisory capacity but such person shall have no right to vote.

Attendance of non-members.

10. (1) Subject to the provisions of the Local Government Councils Ordinance, 1953, the Council may from time to time appoint Committees either of a general or special nature, consisting of three or more persons, for the purpose of examining and reporting upon any matter or performing any act which in the judgment of the Council would be more conveniently examined or performed by a Committee, and may delegate to any Committee such of the powers conferred upon it by the Warrant as it may think fit. The Council may at any time revoke or amend such delegation and may at any time attach conditions thereto including general or particular directions as to the manner in which such powers or any particular power is to be exercised.

Committees.

(2) The Council when appointing a Committee may appoint the Chairman thereof.

(3) The Chairman and the Vice-Chairman of the Council shall be ex-officio members of every Committee.

(4) The Executive Officer shall, whenever possible, attend the meetings of every Committee but shall not have a vote.

(5) When the Chairman of a Committee is absent from any meeting thereof, the members present shall elect a member from amongst themselves to preside thereat.

(6) Every Committee appointed by the Council shall meet at such regular intervals and on such days as may be fixed by the Chairman of the Committee or in his absence by the Executive Officer. No business shall be transacted at any meeting of the Committee unless a quorum of members be present; and at all meetings of the Committee all questions shall be determined by majority of votes of the members present and in the case of equal division of votes the person presiding shall have a casting vote in addition to his vote as a member of the Committee.

(7) No business shall be transacted at a meeting of any Committee unless not less than one half of the members are present.

(8) Any Committee of the Council may consist partly of members of the Council and partly of co-opted members who are not members of the Council in such proportion as the Council may in each case decide, and shall be selected as to the co-opted members in such manner as the Council may think fit. Such co-opted members shall take part in the proceedings of the Committee and shall exercise a vote in the same manner as if they were members of the Council.

(9) The person presiding shall cause the proceedings of every Committee to be regularly recorded in a book kept for the purpose and to be read, and if passed by the Committee, signed by the person presiding at the next meeting of the Committee.

(10) The appointment of every Committee shall expire at the first meeting of the

Council to be held after the annual elections in every year unless at that time the Committee is engaged in the examination of some matter of importance which it is undesirable to interrupt, in which case the Council may at its discretion resolve that the appointment of the Committee shall not expire until the completion of such examination; provided that the period of extension of appointment shall not exceed three months except with the express permission in writing of the District Commissioner in each case.

11. The Council shall from time to time appoint a Finance Committee to make recommendations to the Council on its financial matters and to control all financial matters which have received the approval of the Council, and this Committee shall consist of at least four persons in addition to the Chairman.

Finance Committee.

(2) No payment shall be made out of the annual revenue of the Council unless the same is authorised by the approved annual budget or by an approved supplementary estimate and no payment shall be made out of any monies from time to time standing to the credit of any reserve account kept by the Council except with the consent of the Financial Secretary and in pursuance of a resolution of the Council after considering the recommendations of the Finance Committee.

(3) All financial matters of the Council shall be controlled in accordance with the procedure and rules from time to time laid down in Standing Orders to be issued by the Council with the prior approval of the Financial Secretary; and in default of such Standing Orders the control of all financial matters shall be in accordance with the Financial Memoranda for the use of Local Government Councils issued from time to time under the authority of the Governor.

12. Except where the Council has delegated its powers to a Committee or has otherwise specifically authorised a Committee to manage, regulate or conclude any matter or

Acts of Committees not binding on Council.

matters without further reference to the Council no act of any Committee shall be binding on the Council until submitted to and approved by the Council.

Pecuniary
interest of
members.

13. (1) Every member who has, directly or indirectly, by himself or his partner, any pecuniary interest in any matter before the Council or a Committee thereof or any contract or proposed contract with the Council shall fully disclose the nature and extent of such interest to the Chairman at the earliest opportunity.

(2) The Chairman shall thereupon decide whether the interest is so substantial that the member should withdraw from the Council or Committee when the matter or contract is being considered. A member dissatisfied with the decision of the Chairman may require him to submit it to the Council or Committee.

Standing
Orders.

14. The Council, may from time to time make Standing Orders not inconsistent with the provisions of the Warrant or of these rules for the conduct of the business of the Council and of any Committee thereof and as to the manner in which the powers conferred upon the Council shall be exercised.

PART II.

Financial Provisions.

Annual Budget
and supple-
mentary
Estimates.

15. (1) The Council shall after receiving the report of the Finance Committee, prepare yearly estimates of revenue and expenditure for the ensuing financial year and may prepare supplementary estimates.

(2) Every such estimate shall be in the form from time to time prescribed by the Financial Secretary and shall be submitted to the Financial Secretary for the approval of the Governor. The yearly estimates shall be so submitted on or before the 16th day of January in the year preceding that covered by such estimates. A supplementary estimate may be submitted at any time.

(3) After approval by the Governor the yearly estimates and any supplementary estimate shall constitute respectively the approved annual budget and an approved supplementary estimate for the purpose of rule 11 of these rules.

(4) A copy of the approved annual budget and of every approved supplementary estimate shall be supplied to any person on payment of a reasonable charge therefor to be fixed by the Council.

16. The Council shall keep true and regular accounts of all sums of money received and of all sums expended in such manner as the Accountant General may from time to time direct or approve.

Accounts to be kept in accordance with Accountant-General's instructions.

17. The accounts of the Council shall be audited at such times and in such manner by such person (hereinafter called "the Auditor") as the Financial Secretary may decide.

Audit.

18. (1) The Council shall in each year not later than the last day of June cause the accounts of the Council to be balanced to the thirty-first day of March preceding and an annual statement of the financial position of the Council shall be prepared and laid before the Council at its next ordinary meeting. The accounts and statements shall then be passed by the Council and signed by the Chairman.

Annual Statement of Account.

(2) A copy of the accounts shall be sent by the Council to the Chief Secretary within thirty days of such meeting:

(3) Any report or certificate on the accounts issued by the Auditor shall be laid before and examined by the Council at the ordinary meeting next following its issue and a copy thereof shall thereafter be sent by the Council to the Governor.

(4) A copy of the accounts and a copy of any such Auditor's report or certificate shall at all reasonable times be available for inspection by any member of the public.

No power to borrow, charge or raise loan without approval of the Financial Secretary.

19. The Council shall not in any manner whatsoever borrow any monies, charge any property with the repayment of any monies or raise any loan without the previous and express sanction of the Financial Secretary.