

Supplement No. 2 to the Somaliland Protectorate Gazette, Vol. XIII, No. 8, dated the 14th March, 1953, containing an Ordinance.

AN ORDINANCE

ENACTED by the Governor of the Somaliland Protectorate.

GERALD REECE,

Governor.

Hargeisa,
9th March, 1953.

No. 1 of 1953.

An Ordinance to provide for Order and Good Governance by Local Government Councils and to lay down the Powers and Duties of such Councils.

It is hereby enacted as follows:—

1. This Ordinance may be cited as the **Local Government Councils Ordinance, 1953**, and shall come into operation on the 9th day of March, 1953. Short title and commencement.
2. In this Ordinance, unless the context otherwise requires:— Interpretation.

“building” includes any structure of whatsoever material constructed other than a portable hut;

“bye-law” means a bye-law made under Section 16 of this Ordinance;

"Council" means a Local Government Council established by warrant under section 4 of this Ordinance;

"dangerous and offensive trade or business" means the trade or business of any of the following:-

Blood-boiler, blood-drier, bone-boiler, soap-boiler, tripe-boiler, gut scraper, ghee-manufacturer, fat extractor, hidefactor, fellmonger, leather curer, manure manufacturer, knacker, glue maker, bone dealer, tanner and slaughterer of cattle, and any other trade or business which the Governor may by notice in the Gazette declare to be included in the said term for the purpose of this Ordinance;

"Health Officer" means any registered or licensed medical practitioner in the service of the Government;

"local order" means a local order made under section 15 of this Ordinance;

"place of public entertainment" includes any place used whether permanently or on one or several occasions only as a cinema, theatre, music hall, cabaret, dance hall or other such place to which members of the public or any section thereof are admitted on payment of money or money's worth;

"place of public resort" means any place of public entertainment or any hotel, lodging house, cafe, eating house, coffee shop or other restaurant, and includes a shooting gallery;

"purveying food or drink" includes the carrying on the trade of a slaughterer, baker and confectioner, mineral water manufacturer, ice manufacturer and cold storage keeper, miller, dairyman, or purveyor of meat, milk or milk products, water and other food or drink;

"traffic" includes animal movements;

"vehicle" means any box-cart, cart, wagon, carriage, bicycle, tricycle, motor cycle, motor car or carriage and includes any conveyance for the carriage

of persons or goods however propelled or kept in motion.

3. (1) The Governor may after considering such representations as may be made, by notice in the Gazette, apply all or any of the provisions of this Ordinance to such areas as may be defined in such notice. Application.

(2) The Governor may, after considering such representations as may be made, by notice in the Gazette, vary any area which may have been defined under the provisions of sub-section (1) of this section.

4. (1) It shall be lawful for the Governor, after considering such representations as may be made, to appoint by warrant any body of persons as the Local Government Council for any area as defined in section 3 of this Ordinance and from time to time to amend such warrant and suspend or cancel its operation. Appointment of Local Government Council.

(2) Every warrant of appointment under this section and of every amendment or cancellation of any such warrant shall be published in the Gazette.

5. (1) A Council shall have all the powers conferred upon it by its warrant under this Ordinance, and any powers conferred upon it by any other ordinance or regulations. Powers of Councils.

(2) The warrant may confer upon a Council all or any of the powers set out in the First Schedule and any powers which under any other ordinance or regulations may be conferred by warrant on a Council.

(3) The Governor may, by notice in the Gazette, amend the First Schedule.

6. A Council shall have the following financial and administrative powers namely: Financial and administrative powers of Councils.

- (a) To collect and credit to its revenue such taxes, dues, fees or other revenue as it may be authorised to collect under the terms of its warrant, and
- (b) To administer the public services and to execute or administer the works, schemes or undertakings of public utility specified in its warrant, and

- (c) To collect as agents of the Government any taxes, dues, fees, or other Government revenue which the Chief Secretary may authorise it in writing to collect.

Delegation of powers.

7. (1) The Governor may endorse on the warrant authority for the Council to delegate to any Committee appointed by the Council all or any of its powers, excepting the powers of making local orders or bye-laws under the provisions of sections 15 and 16 of this Ordinance, the power of raising money or the power of acquiring land.

(2) The Governor may attach such conditions to the delegation and exercise of such powers by a Committee as he may think fit.

Sections 7-9 of Cap. 84 to cease to apply.

8. (1) Upon the appointment of a Council for any area which has been declared to be a Township or a Trading Centre the provisions of sections 7 to 9 inclusive of the Townships Ordinance shall cease to have effect in that area.

(2) Notwithstanding the provisions of sub-section (1) of this section any Rules made under section 7 of the Townships Ordinance shall, until revoked by the Governor, continue in full force and validity.

Councils to be bodies corporate.

9. Every Council shall, under the name of "the..... Council", be a body corporate with perpetual succession and a common seal (with power to alter such seal from time to time) and shall by such name be capable in law of suing and being sued, of acquiring, holding and alienating land.

Constitution of Councils and elections and appointments thereto.

10. A Council shall consist of a Chairman, a Vice Chairman and the number of members prescribed in its Warrant and they may be elected or appointed in accordance with the terms of the warrant and the electoral rules made under the provisions of the warrant.

Meetings and Procedure of Councils and Committees.

11. The meetings, procedure and financial provisions of a Council and of any Committee appointed by a Council shall be regulated in accordance with rules of procedure to be attached to the warrant by which the Council is appointed.

12. (1) Subject to the terms of its warrant, a Council **Contracts.** may enter into contracts necessary for the discharge of any of its functions.

(2) No contract for the supply of goods or materials, or for the execution of works, or for the performance of services which a Council is empowered to carry out, the amount of which exceeds one thousand shillings, shall be made except after public tender, of which at least fourteen days' notice shall be given by exhibiting a copy of such notice on a public notice board at the offices of the Council:

Provided that a Council shall accept the lowest tender unless there be good cause to the contrary.

(3) All contracts lawfully made under the provisions of this section shall be valid and binding on such Council and its successors and all other parties thereto, their heirs, successors, or legal representatives, as the case may be.

13. (1) A Council may for the purpose of any of its functions by agreement acquire, whether by way of purchase, lease, gift, or exchange, any land, situate within or without the area of the Council, whether such land is immediately required or not. **Acquisition of and dealings in land.**

(2) A Council may apply to the Government for any land required for the purpose of any of its functions to be acquired compulsorily for and on behalf and at the expense of the Council; and any such purpose shall be deemed to be a public purpose within the meaning of the Expropriation of Land Ordinance, or any enactment replacing the same. **Cap. 81.**

(3) Any land acquired under sub-section (1) of this section may, until it is required for the purpose for which it was acquired, be held and used for the purpose of any of the functions of the Council.

(4) Any land belonging to a Council and not required for the purpose for which it was acquired may be appropriated for any other purpose except that in the case of land compulsorily acquired the consent of the Governor shall be required.

Authenticat-
tion and
execution of
documents.

14. (1) Every order, notice or other document requiring authentication by a Council shall be deemed to be sufficiently authenticated if signed by the Executive Officer or by any other officer of the Council duly authorised in that behalf by any resolution or standing order of the Council.

(2) Every contract and every instrument and document which a Council is lawfully empowered to execute shall be sealed with the common seal of the Council in the presence of the Chairman and the Executive Officer.

Power of
Council to
make local
orders.

15. (1) Subject to the provisions of this Ordinance and to any statutory provision for the time being in force, a Council may make and, having made, amend or cancel local orders having the force of law in the area of the Council in exercise of such of the powers set out in the First Schedule as are given to the Council by its warrant and any other powers to make local orders given to the Council.

(2) A local order made or amended under the provisions of sub-section (1) of this section shall not have effect unless and until confirmed by the District Commissioner.

(3) If a Council, having been advised by the District Commissioner to make, amend or cancel a local order, refuses or neglects to do so, then and in such case, the District Commissioner, after he has considered the observations (if any) of the Council, may himself make, amend or cancel the local order and every local order so made or amended shall have the same force and validity as if it had been made by a Council.

Power of
Council to
make bye-
laws.

16. (1) Subject to the provisions of this Ordinance and to any statutory provision for the time being in force, a Council shall have power to make and, having made, amend or cancel bye-laws having the force of law in respect of such matters set out in the Second Schedule as are given to the Council by its warrant.

(2) The Governor may, by notice in the Gazette, amend the Second Schedule.

(3) Any bye-law made or amended under the provisions of sub-section (1) of this section shall not have effect unless and until confirmed by the Chief Secretary.

(4) If a Council, having been advised by the Chief Secretary to make, amend or cancel a bye-law, refuses or neglects to do so, then and in such case, the Chief Secretary, after he has considered the observations (if any) of the Council, may himself make, amend or cancel the bye-law and every bye-law so made or amended shall have the same force and validity as if it had been made by a Council.

17. If, at any time, in the opinion of the Governor, it is in the interest of good local government, including the furtherance of good order and security in the area under the jurisdiction of a Council, that any act, decision or local order of a Council should be suspended, the Governor may— **Powers of suspension.**

- (a) suspend, cancel or amend the warrant of the Council, or
- (b) suspend any of the powers of the Council, or
- (c) transfer any of the powers of the Council to any person or body of persons.

18. No local order or bye-law made under sections 15 or 16 and relating to public health shall, except in any emergency, come into force until it has been approved by a Health Officer. **Approval of Health Officer.**

19. A local order or a bye-law made by a Council under sections 15 or 16 of this Ordinance shall be published by exhibiting a copy thereof on a public notice board at its offices and the Council shall give such other notice as it thinks requisite for bringing it to the attention of the residents in the area affected thereby. **Orders and Bye-laws to be published.**

20. A Council shall have an Executive Officer and a Treasurer, who may or may not be the aforesaid Executive Officer, appointed in accordance with the terms of the warrant. **Appointment of Executive Officer and Treasurer.**

21. A Council may appoint such other servants as it considers necessary and such appointment and all matters concerning the pay, discharge, dismissal and immunity of such servants shall be governed by the terms of the warrant. **Appointment of Servants.**

22. (1) A Council may prescribe by bye-law that any trade, business or occupation in respect of which **Licenses and Fees.**

Cap. 66.

Rules have not been made under the Traders' Licensing Ordinance, may not be carried on without a licence and may prescribe fees for the issue of any such licences.

(2) Where any bye-law provides for the performance by a Council of any service to the public, a Council may by that or another bye-law prescribe a fee for the performance of that service.

(3) Where such bye-law as aforesaid does not prescribe the actual sum to be charged in respect of such fee or other payment, the Council may, from time to time, by local order fix the amount of the same and, by local order as aforesaid, from time to time, cancel or amend any order so made.

(4) The Council may in its discretion in cases of exceptional poverty grant a licence or perform a service at reduced fees or without fees and may direct that any such fee may be paid in instalments.

Penalties.

23. (1) A Council may by local order prescribe a penalty for the breach thereof not exceeding, in the case of a first or second offence against such order, a fine of Shs. 100/- or one month's imprisonment and, in the case of a third or subsequent offence, a fine of Shs. 200/- or two month's imprisonment or both such fine and imprisonment.

(2) (a) A Council, in the case of bye-laws made under section 16, and a District Commissioner or the Chief Secretary, in the case of local orders or bye-laws made under section 15(3) or section 16(4) respectively, may, by such local order or bye-law, prescribe a penalty for the breach thereof not exceeding a fine of Shs. 300/- or two month's imprisonment or both such fine and imprisonment.

(b) Any local orders or bye-laws may further provide that, in addition to any penalty imposed under sub-sections (1) and (2) of this section, any expense incurred by the Council or the Government in consequence of any breach of the local orders or bye-laws or in the execution of any work directed by any local order or bye-law to be executed by any person and not executed by him shall be paid by the person committing such breach or failing to execute such work and shall be recoverable as a civil debt.

FIRST SCHEDULE.

Powers which may be conferred by warrant on Councils under section 5 (2):—

- (1) to provide for the orderly use, cleanliness and temporary closing of public streets, public squares, gardens and open spaces, public buildings and bridges and the use permanently or temporarily of certain streets, squares, gardens, open spaces and buildings only by a certain class or classes of traffic and the setting aside of any portion of any public square, garden or other open space for any particular public purpose;
- (2) to provide for the protection of trees and plants in public places and on public land;
- (3) to establish on any public street, squares, gardens, or other open space parking places for motor and other vehicles and tethering places for animals and to provide for the orderly use of such places and the prohibition of parking or tethering elsewhere than at such place;
- (4) to provide for the impounding of stray animals within pounds;
- (5) to provide for the orderly conduct of and cleanliness in slaughtering places, special and general markets, and bathing, washing and watering places including wells;
- (6) to set aside areas for use as pounds, slaughtering places and bathing, washing and watering places and to prohibit the use of areas for such purposes elsewhere;
- (7) to provide for the control of the sale and slaughter of animals and the control of the sale and movement of commodities and the control of markets;
- (8) to set aside with the consent of a Health Officer areas for occupation by nomads or by the indigent or homeless and permit the

erection thereon of gurgis, huts or tents for use as dwelling places by such persons on such conditions as it may think fit and subject to the withdrawal of such permission at any time without any compensation;

- (9) to prohibit the deposit of dry grass, timber or petroleum products in any place where such deposit might cause risk of fire to adjoining property;
- (10) to carry any drain or pipe required for public purposes through or across any private property provided that compensation shall be paid for any damage to private property caused thereby;
- (11) to further public health and convenience in the purveying of food and drink and in the carrying on of any dangerous or offensive trade or business and in the case of any dangerous trade the safety of the persons engaged therein;
- (12) to provide for the prevention of the spread of mosquitoes in any particular place or in any vehicle, boat or aircraft;
- (13) to prevent the pollution of rivers, inlets, water-courses and watering places, including wells;
- (14) to provide for the orderly conduct of and cleanliness in licensed places of public resort and the hours of closing of such places provided that nothing in such local orders shall restrict the hours at which hotels may receive and cater for persons resident therein or seeking accommodation;
- (15) to provide for the orderly use of vehicles plying on hire;
- (16) to fix tariffs of charges for services rendered in connection with the achievement of any of the foregoing or similar purposes.

Second Schedule.

Matters in respect of which bye-laws may be made under section 16:—

1. Conservancy.
2. Refuse disposal.
3. Sanitation.
4. Provision and maintenance of gardens and open spaces.
5. Construction and maintenance of streets and drains.
6. Control of markets and slaughter houses.
7. Elementary Education
8. Outpatients' dispensary.