

Date Printed: 02/10/2009

JTS Box Number: IFES_45
Tab Number: 36
Document Title: LOCAL GOVERNMENT (DISTRICT COUNCILS) (...
BLANTYRE DISTRICT COUNCIL) (AMENDMENT)
Document Date: 1974
Document Country: MAL
Document Language: ENG
IFES ID: EL00785



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LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(CAP. 22:02)LOCAL GOVERNMENT (DISTRICT COUNCILS) (BLANTYRE
DISTRICT COUNCIL) (AMENDMENT) ORDER, 1974

IN EXERCISE of the powers conferred by section 3 of the Local Government (District Councils) Act, I, RICHARD ALLEN BANDA, Minister for Local Government, hereby make the following Order -

Citation and
commencement

1. This Order may be cited as the Local Government (District Councils) (Blantyre District Council) (Amendment) Order, 1974, and shall come into operation on the 1st day of November, 1974.

Amendment of
paragraph 2
of Cap. 22:02
Sub. leg.
Local Govt.
Supp. p. B1

2. Paragraph 2 of the Local Government (District Councils) (Blantyre District Council) Order, hereinafter referred to as the "principal Order", is amended as follows -

(a) by deleting therefrom the definition "Nominated Councillor" and substituting therefor the following -

"Nominated Councillor" means any Councillor appointed pursuant to paragraph 10"; and

(b) by inserting, in proper alphabetical sequence, the following new definitions -

"Chairman" means the person appointed as such by the Regional Committee pursuant to sub-paragraph (2) of paragraph 8;

"nominated candidate" means any person nominated by selection by the residents of any Area pursuant to paragraph 8 for appointment as a Nominated Councillor pursuant to paragraph 10;

"Regional Committee" means the Regional Committee of the Malawi Congress Party for the Region in which the Blantyre District is situate;

"resident" in relation to the District, or to any Area thereof, as the case may be, means any person of the age of eighteen years or over who has resided in the District, or in such Area thereof, as the case may be, for a period of not less than twelve months before the date of the relevant meeting held under paragraph 3;"

Replacement of paragraph 5 of the principal Order

3. The principal Order is hereby amended by deleting paragraph 5 and substituting the following new paragraph therefor -

"Composition of Council

5. The total number of Councillors shall be twenty-three, of which -

(a) the number of ex officio Councillors to be appointed pursuant to paragraph 6 shall

(1) The number of Nominated

Councillors to be appointed
to represent each Area,
pursuant to paragraph 10
shall be one:

Provided that, in the
event of the creation of
any new Area in the District,
the total number of Councillors
hereinabove provided for the
district shall be increased
by one Nominated Councillor,
to be nominated pursuant to
paragraph 8 and appointed
for such additional Area
pursuant to paragraph 10."

Replacement of
paragraphs 7,
8, 9 and 10 of
principal
Order

4. The principal Order is hereby amended
by deleting paragraphs 7, 8, 9 and 10 and
substituting the following new paragraphs
therefor -

"Fixing 7. The Minister shall, from
of date
for time to time, within two months
selec-
tion of before the date of termination
nomina-
ted of office of Nominated Council-
candida-
tes lers under this Order, fix a
date when a public meeting of
the residents of each Area of
the District shall be held in
each such Area for the purpose
of selection of nominated candi-
dates from such Area; and, upon
fixing such date, the Minister
shall request the Regional

Committee to give notice of,
and conduct and control, such
public meeting pursuant to
paragraph 8:

Provided that the first
such public meeting for each
such Area shall be held as
provided by the proviso to
sub-paragraph (1) of the said
paragraph 8:

Selection of
nominated
candidates
by residents

8. -(1) The Regional Committee
shall, in such manner as they
deem reasonable and appropriate,
cause notice to be given in
each Area of the date fixed
by the Minister for the holding
of the public meeting in the
said Area for the selection of
nominated candidates, of the
place within such Area where,
and of the time when, such
meeting shall be held, and
shall convene the same:

Provided that the first
such public meeting for each
such Area shall be held on
the 25th day of
November, 1974,
at the place within such Area
and at the time so notified
by the Regional Committee.

(2) The Regional Committee shall appoint a Chairman, and such other officers and officials for each such meeting as they deem necessary for the proper conduct and supervision of such meeting, and shall determine the procedure to be followed.

(3) Upon declaring the meeting open, the Chairman shall inform those present of any special directions of the Regional Committee as to the conduct of such meeting; and as to the procedure to be followed for selection of nominated candidates and as to the number of nominated candidates to be selected thereat.

(4) No person shall be eligible for selection as a nominated candidate from any Area unless

(a) he is a resident of the said Area; and

(b) he is a member of the Malawi Congress Party.

(5) No person, other than a person who is a resident of the Area for which the person is proposed for selection as a nominated candidate, shall be eligible to propose such person for selection, or to second or support any such proposal.

(6) Every person proposed for selection as a nominated candidate shall be proposed and seconded and shall be supported by three persons other than the proposer and seconder.

(7) No person shall be eligible to take part in such selection unless he is a resident of the Area in relation to which such meeting is being held.

(8) The ruling of the Chairman on any question arising during the meeting shall be final.

(9) Upon the completion of the selection of nominated candidates, the Chairman shall cause a list to be compiled showing, in order of selection, the names of all of the candidates nominated by the residents of the Area for appointment as Nominated Councillor to represent such Area pursuant to paragraph 10.

(10) The Chairman shall, without undue delay after the close of the meeting, forward to the Minister a copy of the list referred to in sub-paragraph (9), certified by him as being a true copy thereof.

Minister to
submit nomi-
nations to
President

9. The Minister shall submit the said certified copy of the list of nominated candidates to the President as being that of the person nominated by the residents of the Area as their candidates for appointment to represent the Area as Nominated Councillor.

Appointment
of Nominated
Councillors

10. -(1) The President may, in his absolute discretion, accept one of the nominations for Nominated Councillor submitted to him pursuant to paragraph 9, and shall appoint as such nominated Councillor such person whose nomination he has accepted.

(2) In the event of the President deciding not to accept any nomination, under sub-paragraph (1), he shall, from amongst the residents of the District personally nominate and appoint any person as the Nominated Councillor for such Area.

Terms of
office of
Councillors

11. Subject to paragraph 12, Councillors appointed as ex officio Councillors under paragraph 6, and as Nominated Councillors under paragraph 10, shall hold office for three years from the 1st April in the year of their appointment.

Casual
vacancies

12. -(1) If, for any reason, any office of a Nominated Councillor shall become vacant before the expiry of his term of office, the Clerk of Council shall, as soon as is practicable thereafter, notify the Minister of such vacancy, who shall advise the Regional Committee of the said vacancy, and request them to proceed to selection of nominated candidate to fill such vacancy pursuant to paragraph 8.

Whereupon appointment to such vacancy shall be made pursuant to paragraph 10.

(2) Any person appointed under this paragraph shall hold office as Councillor until the expiry of the term of office in respect of which the vacancy arose.

Election of
Chairman

13. At the first meeting of the Council in the month of April in each year, the Councillors present shall elect a Chairman of the Council from among their number. Such Chairman, unless he resigns as such or ceases to be a Councillor, shall continue to hold office until his successor is elected.

Powers of
Council

14. The Council shall have all
of the powers set out in the
First Schedule to the Act."

Transitional

5. -(1) The first Councillors appointed under
this Order shall take office on the date of
their respective appointments and shall cease
to hold office on the 31st March, 1977.

(2) The first Council constituted under this
Order shall be deemed so constituted and
shall commence to exercise its powers and
perform its functions on the 1st
day of January, 1975.

Made this _____ day of _____, 1974.

(No. 20/1/1) R. A. BANDA
MINISTER OF LOCAL GOVERNMENT