

Date Printed: 02/10/2009

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JTS Box Number: IFES\_45  
Tab Number: 37  
Document Title: LOCAL GOVERNMENT (URBAN AREAS) - ACT  
(CAP. 22:01)  
Document Date: 1974  
Document Country: MAL  
Document Language: ENG  
IFES ID: EL00786



\* 4 6 9 4 A 3 7 2 - C 4 B 4 - 4 7 4 0 - 9 9 8 C - A 7 6 8 7 5 E D F 5 6 D \*

law/MAL/1974/004/eng

GOVERNMENT NOTICE NO. 133/74

LOCAL GOVERNMENT (URBAN AREAS)

ACT (CAP. 22:01)

----- ZOMBA ----- TOWN COUNCIL (COMPOSITION OF  
COUNCIL, TERMS OF OFFICE, NOMINATION AND APPOINTMENT OF  
COUNCILLORS) ORDER, 1974

IN EXERCISE of the powers conferred by section 13 of  
the Local Government (Urban Areas) Act, I, RICHARD ALLEN  
BANDA, Minister of Local Government, hereby make the  
following Order -

Citation  
and comm-  
encement

1. This Order may be cited as the -----  
----- Zomba ----- Township (Composition  
of Council, Terms of Office and Nomination  
and Appointment of Councillors) Order,  
1974, and shall come into operation on  
the 1st ----- day of November,  
1974.

Interpre-  
tation

2. In this Order unless the context otherwise  
requires -

"Appointed Councillor" means any Councillor  
appointed pursuant to paragraph 5;

"National Committee" means the National  
Executive Committee of the Malawi Congress  
Party;

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"Chairman" means the person appointed as such by the National Committee pursuant to sub-paragraph (2) of paragraph 6;

"Council" means the Zomba Town Council;

"Nominated Councillor" means any Councillor appointed pursuant to paragraph 8;

"nominated candidate" means any person nominated by selection by the residents of the Township, pursuant to paragraph 6, for appointment as a Nominated Councillor;

"Resident" in relation to the Township means any person of the age of eighteen years or over, who has resided in the Township for a period of not less than twelve months before the date of the meeting referred to in paragraph 6.

Compos-  
ition of  
Council

3. The Zomba Town Council shall be composed of not more than twelve Councillors, of which,

(a) the number of Councillors to be elected pursuant to Part IV of the

Act shall be zero.

(b) the number of Councillors to be appointed as Appointed Councillors pursuant to paragraph 5 shall be not more than two;

(c) the number of Councillors to be appointed as Nominated Councillors pursuant to paragraph 8 shall be ten.

Fixing  
of date  
for sele-  
ction of  
nominated  
candidates

4. The Minister shall, from time to time, within two months before the date of termination of office of Nominated Councillors under this Order, fix a date when a public meeting of residents of the Township for the purpose of selection of nominated candidates shall be held in the said Township; and upon fixing such date, the Minister shall request the National Committee to give notice of, and conduct and control such public meeting pursuant to paragraph 6:

Provided that the first such public meeting shall be held as provided by the proviso to sub-paragraph (1) of the said paragraph 6.

Appointed  
Councillors

5. -(1) The Minister shall, after consultation with the National Committee, submit to the President the names of not less than two residents of the Township, who are not of Malawi African origin, and whom he, the Minister, recommends to the President as persons suitable for appointment to the said Town Council as Appointed Councillors.

(2) The President may appoint two of such recommended persons as Appointed Councillors:

Provided, however, that the President, in his absolute discretion, may not accept any such recommendation made under sub-paragraph (1), in respect of any of the persons so recommended, and may, in such event, appoint any other such resident of the Township, who is not of Malawi African origin, as an Appointed Councillor under this paragraph.

Selection  
of nomina-  
ted candi-  
dates by  
residents  
of Township

6. -(1) The National Committee, shall, in such manner as they deem reasonable and appropriate, cause notice to be given of the date fixed by the Minister for the holding of the public meeting in the Township for the selection of nominated

candidates, of the place within such Township where, and of the time when, such meeting shall be held, and shall convene the same:

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

(2) The National Committee shall appoint a Chairman, and such other officers and officials 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 National Committee as to the conduct of the meeting, and as to the procedure for selection of nominated candidates to be followed, and as to the number of nominated candidates to be selected thereat.

(4) No person shall be eligible for selection as a nominated candidate at such

meeting unless -

- (a) he is a resident of the Township; and
- (b) he is a member of the Malawi Congress Party.

(5) No person, other than a resident of the Township, shall be entitled to propose or second a candidate for selection at such meeting.

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

(7) 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 Township for appointment as Nominated Councillors pursuant to paragraph 8.

(8) 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 (7), certified by him as being a true copy thereof.

Minister  
to submit  
nominations  
to President

7. The Minister shall submit the said certified copy of the list of nominated candidates to the President as being that of the persons nominated by the residents of the Township as their candidates for appointment as Nominated Councillors.

Appointment  
of Nomin-  
ated Counci-  
llors

8. (1) The President may, in his absolute discretion, accept the nominations for Nominated Councillors submitted to him pursuant to paragraph 7, or may accept some and reject others; and shall appoint as Nominated Councillors such persons whose nominations he has accepted.

(2) Any office of Nominated Councillor for the Township remaining unfilled after the exercise by the President of his powers, pursuant to sub-paragraph (1), shall be filled by persons who are residents of the Township nominated and appointed by the President as such.

(3) In the event of the President deciding not to accept any of the nominations under sub-paragraph (1), he shall, from amongst the residents of the Township, personally nominate and appoint ten persons as the



Nominated Councillors of such Township.

Term of  
office of  
Counci-  
llors

9. Subject to paragraph 10, Councillors appointed as Appointed Councillors under paragraph 5, and as Nominated Councillors under paragraph 8, shall hold office for three years from the 1st April in the year of their appointment:

Provided that 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.

Casual  
vacanc-  
ies

10. (1) If, for any reason, any office of a Councillor shall become vacant before the expiry of his term of office, the Town Clerk shall, as soon as is practicable thereafter, notify the Minister of such vacancy, who shall -

- (a) if such Councillor had been an Appointed Councillor, advise the President thereof;
- (b) if such Councillor had been a Nominated Councillor, advise the National Committee thereof, and request them to proceed to selection of a nominated candidate

to fill such vacancy pursuant to

paragraph 6;

whereupon appointment to such vacancy shall be made pursuant to the paragraph of this Order appropriate to the original appointment of the said Councillor whose office has become vacant.

(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.

Chairman

11. There shall be a Chairman of the Council who shall be elected pursuant to section 16 of the Act.

Powers of Council

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

Constitution of first Council under this Order

13. 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.

Revocation of sub.leg.,  
Local Government Supplement, P. A 170

4. The Zomba Town Council  
(Composition of Council, Terms of Office  
and Nominations of Councillors) Order is  
hereby revoked.

Made this ----- day of -----, 1974.

R. A. BANDA  
MINISTER FOR LOCAL GOVERNMENT

(File No. --8/1/1 -----).