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Act No. 1 of 2008.

Gazetted: Thursday 24th January 2008 (General Notice 16A/2008).

Commencement: Thursday 24th January 2008

ACT

To amend the Rural District Councils Act [*Chapter 29:13*], the Urban Councils Act [*Chapter 29:15*] and the Electoral Act [*Chapter 2:13*] (No. 25 of 2004); and to provide for matters connected with or incidental to the foregoing.

ENACTED by the President and the Parliament of Zimbabwe.

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Local Government Laws Amendment Act, 2008.

PART II

AMENDMENTS TO RURAL DISTRICT COUNCILS ACT [*CHAPTER 29:13*]

2 Amendment of section 2 of Cap. 29:13

Section 2 (“Interpretation”) (1) of the Rural District Councils Act [*Chapter 29:13*] (hereinafter in this Part called the “principal Act”) is amended by the insertion of the following definition—

““Commission” means the Zimbabwe Electoral Commission appointed in terms of section 61 of the Constitution;”.

3 Amendment of section 8 of Cap. 29:13

Section 8 (“Establishment and naming of councils and division of areas into wards”) of the principal Act is amended—

(a) in subsection (1) by the repeal of paragraph (c) and the substitution of—

“(c) after consultation with the Commission, divide a council area into any number of wards.”;

(b) in subsection (2) by the repeal of paragraph (a).

4 Amendment of section 9 of Cap. 29:13

Section 9 (“Consultation before exercise of powers relating to establishment of councils”) of the principal Act is amended—

(a) in subsection (1) by the repeal of paragraph (c) and the substitution of—

“(c) the ward boundaries within the proposed council area;”;

(b) in subsection (5) by the deletion of “in the exercise of his powers in terms of section *eight*” and the substitution of “in the exercise of his or her powers in terms of section 8, and after consultation with the Commission”.

PART III

AMENDMENTS TO URBAN COUNCILS ACT [CHAPTER 29:15]

5 Amendment of section 2 of Cap. 29:15

Section 2 (“Interpretation”) of the Urban Councils Act [Chapter 29:15] (hereinafter in this Part called the “principal Act”) is amended—

(a) in subsection (1)—

(i) by the insertion of the following definitions—

““appointed councillor” means a councillor appointed in terms of section 4A(1)(b);

“Commission” means the Zimbabwe Electoral Commission appointed in terms of section 61 of the Constitution;

“district administrator”, in relation to a council or proposed council, means—

(a) the district administrator within whose district the council area or proposed council area lies; or

(b) any person appointed by the district administrator referred to in paragraph (a) to exercise his or her functions in terms of this Act in relation to the council or proposed council;

“elected councillor” means a councillor other than an appointed councillor, and includes a person elected or appointed as a mayor or deputy mayor in terms of section 103;

“provincial administrator” means the provincial administrator appointed in terms of the Provincial Councils and Administration Act [Chapter 29:11] for the Bulawayo or Harare metropolitan province;”;

(ii) by the repeal of the definitions of “chairman”, “councillor”, “mayor” and “Registrar-General” and the substitution of—

““chairperson” means the chairperson of a town council who has been elected in terms of section 103;

"councillor" means a member of a council;

"mayor" means the mayor of a municipality who has been elected by the councillors of that municipality in terms of section 103;

"Registrar-General" means the Registrar-General of Voters referred to in section 18 of the Electoral Act [*Chapter 2:13*] (No. 25 of 2004) or, in respect of any particular function vested in the Registrar-General, any person to whom he may have delegated that function in terms of subsection (3) of that section;";

(iii) by the repeal of the definition of "executive committee";

(b) in subsection (2) by the repeal of paragraph (c) and the substitution of—

"(c) "the total membership of a council" means the number of members which in terms of this Act composes the council, other than appointed councillors.".

6 Amendment of section 4 of Cap. 29:15

Section 4 ("Provisions relating to establishment, alteration or abolition of municipalities, towns, councils and council areas") of the principal Act is amended—

(a) in subsection (1) by the repeal of paragraph (d) and the substitution of—

"(c) may, after consultation with the Commission, divide the council area into any number of wards.";

(b) in subsection (2) by the insertion after "by proclamation in the *Gazette* and after consultation with the council" of "and (in relation to the division or redivision of the council area into wards) the Commission";

(c) in subsection (4)(e) by the deletion of "Electoral Act [*Chapter 2:01*]" wherever it occurs and the substitution of "Electoral Act [*Chapter 2:13*] (No. 25 of 2004)".

7 New section inserted in Cap. 29:15

The principal Act is amended by the insertion of the following section after section 4—

"4A Membership of municipal and town councils

(1) Subject to this Act, every municipal and town council shall consist of—

(a) one elected councillor for each ward of the council area; and

(b) such number of appointed councillors representing special interests, not exceeding one-quarter of the number of elected councillors, as the Minister may fix in respect of the council by statutory instrument, and who shall hold office during the pleasure of the Minister.

(2) Appointed councillors shall participate in the business of the municipal or town council to which they are appointed and perform the same functions and be entitled to the same benefits in every respect as if they were elected councillors, except that they shall not have a vote at meetings of the municipal or town council concerned."

8 Amendment of section 6 of Cap. 29:15

Section 6 (“Provisions relating to establishment, alteration or abolition of local government areas and local boards”) (4)(d) of the principal Act is amended by the deletion of “Electoral Act [Chapter 2:01]” and the substitution of “Electoral Act [Chapter 2:13] (No. 25 of 2004)”.

9 Amendment of section 11 of Cap. 29:15

Section 11 (“Advertising of intention to exercise powers under section 4 or 6”) (4) of the principal Act is amended by the insertion after “after considering any representations made as a result of any notice given in terms of subsection (1),” of “, and taking into account the views of the Commission,”

10 Amendment of section 13 of Cap. 29:15

Section 13 (“Succession from former local authority to newly-established local authority”) of the principal Act is amended—

(a) in subsection (1) by the repeal of paragraph (c) and the substitution of—

“(c) sections 116 and 121(1) of the Electoral Act [Chapter 2:13] (No. 25 of 2004) shall not apply unless the President otherwise directs, in which case those sections shall apply to the extent directed by the President.”.

(b) in subsection (2) by the repeal of paragraph (c) and the substitution of—

“(c) sections 116 and 121(1) of the Electoral Act [Chapter 2:13] (No. 25 of 2004) shall not apply unless the President otherwise directs, in which case those sections shall apply to the extent directed by the President.”.

11 Amendment of section 20 of Cap. 29:15

Section 20 (“Special vacancies on town council or rural district council which is to be incorporated need not be filled”) of the principal Act is amended by the deletion of “section 103I of the Electoral Act [Chapter 2:01]” and the substitution of “section 121 of the Electoral Act [Chapter 2:13] (No. 25 of 2004)”.

12 New section substituted for section 38 of Cap. 29:15

The principal Act is amended by the repeal of section 38 and the substitution of—

“38 Governance of council areas

Every council area shall be governed by a council.”.

13 Amendment of section 47 of Cap. 29:15

Section 47 (“Assumption of office by councillor”) of the principal Act is amended by the repeal of subsection (1) and the substitution of—

“(1) A person who is deemed to have been elected as a councillor at the close of the nomination court in terms of section 125 of the Electoral Act [Chapter 2:13] (No. 25 of 2004), or who is declared to have been elected in terms of section 126 of that Act following the withdrawal of a candidate, shall assume office—

(a) in the case of a first election of councillors, on the date on which the council comes into being;

- (b) in the case of a by-election to fill a special vacancy on the council, at the time at which the Registrar-General posts a notice at his office in terms of section 125 of the Electoral Act [*Chapter 2:13*] (No. 25 of 2004), notifying his or her election or, as the case may be, declares him or her to have been elected in terms of section 126 of that Act;
- (c) in the case of a general election of councillors, on the day following polling day.”.

14 Repeal of sections 51, 52, 53, 54, 63, 64 and 65 of Cap. 29:15

Sections 51, 52, 53, 54, 63, 64 and 65 of the principal Act are repealed.

15 Amendment of section 78 of Cap 29:15

Section 78 (“Special vacancies in office of councillors”) (2) of the principal Act is amended by the repeal of paragraph (c) and the substitution of—

- “(c) ceases to be qualified for election as a councillor or becomes disqualified for such election in terms of section 119 of the Electoral Act [*Chapter 2:13*] (No. 25 of 2004).”.

16 New section substituted for section 80 of Cap. 29:15

Section 80 of the principal Act is repealed and substituted by—

“80 Minister may appoint caretakers to act as council

(1) If at any time—

- (a) there are no elected councillors for a council area; or
- (b) all the elected councillors for a council area have been suspended or imprisoned or are otherwise unable to exercise all or some of their functions as councillors;

the Minister may appoint not more than three persons as caretakers, whether or not such persons are qualified through residence or ownership of property to become councillors, to act as the council in accordance with this section.

(2) Subject to any directions the Minister may give him or her, a caretaker appointed for a council area in terms of subsection (1) shall exercise—

- (a) all the functions of the council, where there are no elected councillors for the council area; or
- (b) such of the functions of the elected councillors as they are unable to exercise, where there are elected councillors for the council area:

Provided that—

- (i) the caretaker shall not, without the approval of the Minister, exercise any power conferred on the council to levy rates or taxes or to alienate any land or interest in land or to increase any charge fixed or levied by the council or to fix any new charge;
- (ii) where there are any elected councillors who are able to exercise some of their functions as councillors, the caretaker shall consult them before exercising any function.

(3) A caretaker appointed in terms of subsection (1) shall hold office during the pleasure of the Minister, but his or her office shall terminate—

- (a) as soon as there are any councillors for the council area who are able to exercise all their functions as councillors; or
- (b) ninety days after the date of his or her appointment;

whichever occurs sooner:

Provided that, if the period of ninety days expires within three months before the date of the next succeeding general election, the caretaker shall continue to hold office until such general election.

(4) Before the termination of office of a caretaker appointed in terms of subsection (1), otherwise than at a general election or in the circumstances referred to in subsection (3)(a), the Commission shall cause an election to be held on such date as may be fixed in terms of the Electoral Act [*Chapter 2:13*] (No. 25 of 2004), to fill the vacancies on the council as if they were special vacancies.

(5) On appointing a caretaker in terms of this section the Minister may authorize the payment from the funds of the council to the caretaker, for so long as he or she holds office as such, of a monthly salary at such rate as the Minister may determine.”.

17 New sections substituted for sections 89 and 90 of Cap. 29:15

Sections 89 and 90 of the principal Act are repealed and substituted by—

“89 Rescission or alteration of resolutions of council and committees

(1) A resolution passed at a meeting of a council shall not be rescinded or altered at a subsequent meeting of the council—

- (a) unless—
 - (i) a committee has recommended that the resolution be rescinded or altered; or
 - (ii) a notice of motion to rescind or alter that resolution has been given at least seven days before the subsequent meeting to the chamber secretary and the notice of motion has been signed by not less than one-third of the membership of the council;

and

- (b) if the rescission or alteration occurs within six months from the date of the passing of the original resolution and the number of councillors present at such subsequent meeting does not exceed the number of councillors present when the original resolution was passed, unless at least two-thirds of the councillors or members, as the case may be, present at the subsequent meeting vote in favour of that rescission or alteration.

(2) The chamber secretary to whom any notice of motion has been given in terms of subsection (1) shall send a copy of the notice to each councillor at least two days before the subsequent meeting at which the motion is to be moved.

(3) Nothing in subsection (1) shall be construed as precluding a council from rescinding or altering a resolution passed at a previous meeting in a manner other than that recommended by the committee or specified in a notice of motion, as the case may be.

(4) A resolution passed at a meeting of a committee of a council may be rescinded or altered at any subsequent meeting of that committee.”.

18 Repeal of sections 92, 93, 94, 95 and 99 of Cap 29:15

Sections 92, 93, 94, 95 and 99 of the principal Act are repealed.

19 Amendment of section 97 of Cap 29:15

Section 97 (“Audit committee”) of the principal Act is amended by the repeal of subsection (2) and the substitution of—

“(2) The mayor, the deputy mayor and chairperson of every committee of council shall not be a member of, nor be entitled to attend any meeting, of the audit committee.”.

20 New section substituted for section 100 of Cap. 29:15

Section 100 of the principal Act is repealed and substituted by—

“100 Special committees

(1) A special committee may at any time be appointed by a council subject to the following provisions—

- (a) that committee shall be appointed for a specific task and once that committee has submitted a report thereon it shall be dissolved unless reconstituted by the council for further investigation or consideration in connection with the original task;
- (b) that committee shall be composed of councillors or councillors and persons who are not councillors and any such member of that special committee shall be entitled to exercise a vote;
- (c) the chairperson of that committee shall be a councillor;
- (d) the quorum at any meeting of that committee shall be formed by such number of members as the council may determine;
- (e) a person who is not a councillor shall not be appointed or continue in his appointment as a member of that committee if he or she would, if he or she were a councillor, be disqualified in terms of section 41(1) (b) to (f) from being nominated as or continuing in office as a councillor;
- (f) no powers shall be delegated by the council to that committee;

(2) A special committee shall consist of such number of members, being not less than three, as the council may determine.

(4) A special committee—

- (a) at its first meeting after the appointment of the members thereto—
 - (i) shall, subject to subsection (1)(c), elect one of its members to be chairperson; and
 - (ii) may elect one of its members to be vice-chairperson;

and

- (b) may at any time, if the person elected as chairperson or vice-chairperson ceases to be a member of the special committee, elect a member to replace him or her.

(5) No person, other than the members of, and the secretary to, a special committee appointed in terms of subsection (1) and the town clerk, shall be present at a meeting of that committee:

Provided that if the chairperson of that committee has invited an employee or other person to attend a meeting in connection with the consideration of any matter, that employee or other person may attend the meeting.”.

21 Amendment of section 101 of Cap 29:15

Section 101 (“Meetings and procedure of committees”) (1) of the principal Act is amended by the deletion of “the executive committee or council, as the case may be,” and the substitution of “the council”.

22 New sections substituted for sections 103, 104 and 105 of Cap. 29:15

Sections 103, 104 and 105 of the principal Act are repealed and substituted by—

“103 Election of mayor, deputy mayor, chairperson and deputy chairperson

(1) At the first meeting of a council after it has been established and thereafter at the first meeting held—

- (a) after the general election of councillors; or
- (b) after an initial election of councillors referred to in section 17(1)(c);

the councillors present at that meeting shall, under the chairmanship of the district administrator, or, in the case of the Harare and Bulawayo municipal councils, the provincial administrator within whose province the municipal council lies, elect—

- (c) in the case of a municipal council, one councillor or other person to be mayor and thereafter another councillor to be deputy mayor;
- (d) in the case of a town council, one councillor to be chairperson and thereafter another councillor to be deputy chairperson.

(2) A person elected in terms of subsection (1) shall forthwith enter upon his or her office and shall hold office until the election or appointment of his or her successor in office.

(3) A person elected in terms of subsection (1) shall cease to hold office as such when his or her successor is elected in terms of that subsection:

Provided that—

- (i) if a deputy mayor is elected in terms of subsection (4) to be mayor, he or she shall cease to hold office as deputy mayor with effect from that election;
- (ii) if a deputy chairperson is elected in terms of subsection (4) to be chairperson, he or she shall cease to hold office as deputy chairperson with effect from that election;

- (iii) if a mayor, chairperson, deputy mayor or deputy chairperson resigns, by notice in writing addressed to the town clerk, he or she shall cease to hold office as such with effect from the date the notice is received by the town clerk;
- (iv) if the seat of the councillor who is a mayor, chairperson, deputy mayor or deputy chairperson becomes vacant by virtue of section 78(2) (b), (c), (d), (e), (f) or (g), he or she shall cease to hold office as such with effect from the date that seat becomes vacant.

(4) Where the office of mayor, chairperson, deputy mayor or deputy chairperson becomes vacant before a meeting referred to in subsection (1), the councillors present at a meeting of the council held not later than thirty days after such vacancy shall elect a successor who shall serve for the unexpired term of office of his or her predecessor.

(5) If, at any meeting at which a mayor, chairperson, deputy mayor or deputy chairperson is to be elected, more than one candidate is nominated for that office, the election shall be by secret ballot and, if there is an equality of votes between two or more candidates and the addition of one vote would entitle any of the candidates to be declared elected to the office, there shall be a second election by secret ballot and, if at that second election there is again an equality of votes such as is referred to above, the candidate to whom the additional vote shall be deemed to have been given shall be determined by the drawing of lots at that meeting.

(6) At a meeting of the council referred to in subsection (4) at which a mayor, chairperson, deputy mayor or deputy chairperson is to be elected, the proceedings during that election shall be presided over by the person who, immediately before the election, held the office of mayor or chairperson or, failing him or her, by the person who at that time held the office of deputy mayor or deputy chairperson or, in the absence of both such persons, by a councillor elected by the councillors present to preside at that meeting.

(7) If the person presiding over a meeting to elect a mayor, chairperson, deputy mayor or deputy chairperson is not a member of the council, he or she shall have no vote in the election.

104 Functions of mayor, deputy mayor, chairperson and deputy chairperson

(1) The mayor shall preside at all meetings of the council at which he or she is present and, in the event of an equality of votes on any matter before the council, he or she shall, subject to sections 103(7) and 290(2)(a), have, in addition to a deliberative vote, a casting vote.

(2) Whenever the office of mayor or chairperson is vacant or the mayor or chairperson is absent or incapacitated or fails to act, the deputy mayor or deputy chairperson shall perform the functions of the mayor or chairperson in terms of this Act or any other law or any resolution of the council.

(3) Save as otherwise provided in section 103(7), whenever the offices of both the mayor or deputy chairperson and the deputy mayor or deputy chairperson are vacant or both the mayor or chairperson and the deputy mayor or deputy chairperson are absent or incapacitated or fail to act, their functions in terms of this Act or any other law or any resolution of the council shall be exercised by a councillor appointed by the council for the

purpose or, failing such appointment, by a councillor appointed by the Minister, and such councillor shall, while performing his or her duties, be designated—

- (a) in the case of a municipal council, the acting mayor;
- (b) in the case of a town council, the acting chairman.

(3) For the purposes of this section, a certificate under the hand of the town clerk as to the existence of a vacancy in the office, or the absence or incapacity of the mayor, chairperson, or deputy mayor or deputy chairperson or the failure of the mayor, chairperson or deputy mayor or deputy chairperson to act shall be *prima facie* evidence of that fact.

105 Allowances for mayor, deputy mayor, chairperson and deputy chairperson

(1) Subject to subsection (2)—

- (a) a municipal council shall pay to the mayor and deputy mayor; and
- (b) a town council shall pay to the chairperson and deputy chairperson;

an allowance at a monthly rate fixed by the council, not exceeding such rate as may be prescribed, to cover the general and personal expenses incidental to the office of mayor, deputy mayor, chairperson or deputy chairperson, as the case may be.

(2) Where the deputy mayor or deputy chairperson or a councillor is required in terms of section 104(2) to perform the functions of the mayor or chairperson for a period exceeding fourteen days, he or she shall be paid an allowance fixed by the council for the period he or she so performs such duties:

Provided that no allowance payable to the deputy mayor in terms of subsection (1) shall be paid to him or her in terms of subsection (1) in respect of any period for which he or she is paid an allowance in terms of this subsection.”.

23 Amendment of section 132 of Cap 29:15

Section 132 (“Appointment of town clerk and secretary”) (2) of the principal Act is amended by the deletion of “executive committee of the municipal council” and the substitution of “the municipal council”.

24 Amendment of section 133 of Cap 29:15

Section 133 (“Appointment of chamber secretary”) (1) of the principal Act is amended by the deletion of “The executive committee of the municipal council” and the substitution of “The municipal council”.

25 Amendment of section 136 of Cap 29:15

Section 136 (“Functions of town clerk”) (2) of the principal Act is amended—

- (a) by the deletion of “, the executive committee or the mayor, as the case may be,”;
- (b) by the repeal of paragraphs (b), (c), (d), (e) and (f) and the substitution of—
 - “(b) where so authorised by the council, sign orders, notices, or any document requiring authentication or execution on behalf of the council; and
 - (c) recommend to the council the measures necessary to safeguard the finances and assets of the council; and

- (d) take such steps as he or she considers to be necessary for the purpose of giving effect to any resolution of the council; and
- (e) account to the council for the performance of any tasks entrusted through him or her to the employees of the council; and
- (f) make such recommendations to the council or any committee of the council as he or she considers to be necessary or desirable to effect economies, improve co-ordination and, generally, to improve the operations of the council or committee concerned; and”.

26 Amendment of section 139 of Cap 29:15

Section 139 (“Conditions of service of town clerk”) (3)(b) of the principal Act is amended by the deletion of “or, in the case of a municipality, executive committee,”.

27 Amendment of section 140 of Cap 29:15

Section 140 (“Conditions of service of other senior officials”) of the principal Act is amended by the repeal of subsections (4), (5) and (6) and the substitution of—

“(4) Upon receipt of a notification of suspension in terms of subsection (3) the mayor or chairperson shall cause the suspension to be reported at the first opportunity to the council.

(5) Where a council has received a report of a suspension in terms of subsection (4), the council shall without delay—

- (a) conduct an inquiry or cause an inquiry to be conducted into the circumstances of the suspension; and
- (b) after considering the results of the inquiry, decide whether or not—
 - (i) to lift the suspension; or
 - (ii) to do any one or more of the following—
 - A. reprimand the senior official concerned;
 - B. reduce the salary or any allowance payable to the senior official;
 - C. transfer the senior official to another post or grade, the salary of which is less than that received by him or her at the date of the imposition of the penalty;
 - D. impose a fine not exceeding level five or three months’ salary, which fine may be recovered by deductions from the salary of the senior official;
 - E. subject to subsection (2), discharge the senior official.”.

28 Amendment of section 141 of Cap 29:15

Section 141 (“Appointment and conditions of service of other employees”) of the principal Act is amended—

- (a) by the repeal of subsections (1) and the substitution of—

“(1) Employees of a council, other than senior officials, shall be appointed by the council—

- (a) on the recommendation of the town clerk in the case of a municipal council;
- (b) on the recommendation of the secretary in the case of a town council.”;
- (b) in subsection (2) by the deletion of “or, in the case of a municipal council, the executive of the council,”;
- (c) by the repeal of subsection (3);
- (d) by the repeal of subsections (5) and (6) and the substitution of—

“(5) Upon receipt of a notification of suspension in terms of subsection (4) the town clerk or secretary, as the case may be, shall cause the suspension to be reported at the first opportunity to the council.

(6) Where a council has received a report of a suspension in terms of subsection (5), the council shall without delay—

- (a) conduct an inquiry or cause an inquiry to be conducted into the circumstances of the suspension; and
 - (b) after considering the results of the inquiry, decide whether or not—
 - (i) to lift the suspension; or
 - (ii) to do any one or more of the following—
 - A. reprimand the employee concerned;
 - B. reduce the salary or any allowance payable to the employee concerned;
 - C. transfer the employee concerned to another post or grade, the salary of which is less than that received by him or her at the date of the imposition of the penalty;
 - D. impose a fine not exceeding level five or three months salary, which fine may be recovered by deductions from the salary of the employee concerned;
 - E. subject to subsection (3), discharge the employee concerned;
- and shall inform the employee and his or her head of department accordingly.”.

29 Amendment of section 145 of Cap 29:15

Section 145 (“Delegation of powers to employees”) of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by the deletion of “or an executive committee, with the approval of the council,”;
 - (ii) in proviso (i) by the deletion of “or executive committee”;
 - (iii) by the repeal of proviso (ii);
 - (iv) in proviso (iv) by the deletion of “or executive committee, agricultural commodity” and “or executive committee”;
- (b) in subsection (2) by the deletion of “or executive committee, as the case may be,”.

- (c) in subsection (3) by the deletion of “or executive committee, as the case may be,” and “or executive committee”.

30 Amendment of section 318 of Cap 29:15

Section 318 (“Ballot or meeting of voters”) of the principal Act is amended by the repeal of subsection (5) and the substitution of—

“(5) Part XVIII of the Electoral Act [*Chapter 2:13*] (No. 25 of 2004) shall apply, with such changes as may be necessary, to the holding of a ballot in terms of this section.”

PART IV

AMENDMENT TO ELECTORAL ACT [*CHAPTER 2:13*] (NO. 25 OF 2004)

31 Repeal of sections 120 and 122 of Cap 2:13

Sections 120 and 122 of the principal Act are repealed.

PART IV

TRANSITIONAL PROVISIONS AND SAVINGS

32 Transitional provisions and savings

(1) In this section, a reference to the office of—

- (a) “executive mayor” means the office of mayor as it existed in terms of the Urban Councils Act [*Chapter 29:15*] before its amendment by this Act;
- (b) “commissioner” means the office of the commissioner referred to in section 80 of the Urban Councils Act [*Chapter 29:15*] before the substitution of that provision by this Act.

(2) Any person who, on the date of commencement of this Act, holds the office of executive mayor or commissioner, shall continue in office as such until forty-eight hours after the results of the next general election of councillors are declared in accordance with the Electoral Act [*Chapter 2:13*] (No. 25 of 2004).