

LAWS OF SOUTHERN SUDAN

THE LOCAL GOVERNMENT ACT, 2009

In accordance with the provisions of Article 59(2) (b) read together with Article 85 (1) of the Interim Constitution of Southern Sudan, 2005, the Southern Sudan Legislative Assembly, with the assent of the President of the Government of Southern Sudan, hereby enacts the following:

CHAPTER I

PRELIMINARY PROVISIONS

Section 1. Title and Commencement

This Act may be cited as “The Local Government Act, 2009” and shall come into force on the date of its signature by the President.

Section 2. Repeal and Saving

Any legislation in force in Southern Sudan, whose provisions are governed by this Act, is hereby repealed or ceases to operate in Southern Sudan, provided that all proceedings taken, orders and regulations issued or made there under shall continue in force or effect, until they are repealed or amended in accordance with the provisions of this Act.

Section 3. Purpose

The purpose of this Act is to provide for the establishment of local governments, their powers, functions and duties, structures, composition, finances and any other matters related thereto.

Section 4. Authority and Application

- (1) This Act is drafted in accordance with the provisions of Articles 50 and 173(2) of the Interim Constitution of Southern Sudan, 2005; which grants the Government of Southern Sudan authority to enact legislation for the establishment of a system of local government in Southern Sudan.
- (2) The provisions of this Act shall apply to all local Government Councils and institutions of local governance at all levels of government in Southern Sudan.

Section 5. Interpretations

In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them respectively:-

“Auditor” means the Auditor General or any other audit firm whom he or she may authorise, as a public auditor, in accordance with the provisions of this Act and any applicable law;

“Block Council” means the coordinative unit of a city or municipal council comprised of a number of quarter councils, which shall exercise delegated powers within the council;

“Boma” means the basic administrative unit of the county which shall exercise deconcentrated powers within a county;

“Boma Assembly” means the assembly of the entire people resident in a ‘Boma’ who are eligible to vote;

“By-law” means any local legislation made by a Council in accordance with the provisions of this Act;

“Chairperson” means the chairperson of a Council elected by the councillors of the respective council;

“Chief Administrator” means the head of the civil service of a Local Government Council;

“Chief Executive Officer” means the chief administrator of a City or Municipal Council;

“City Council” means a council established in an urban area in accordance with the provisions of this Act;

“Commissioner” means a person elected by the people of a county as the head of the local government in the County;

“Committee” means a committee of a Council;

“Coordinating Committee” means a committee established by a council in accordance with the provisions of this Act to coordinate the legislative and executive functions of the council;

“Council” means a County, City, Municipal or Town Council;

“Councillor” means an elected member of a Council;

“County Council Grade “C” means a Rural Council with an emerging urban centre which is not yet qualified to become a Town Council;

“County Council Grade “D” means a purely Rural Council.

“Constitution” means, The Interim Constitution of Southern Sudan, 2005;

“County” means a territory in which the administrative jurisdiction of a local government council is established;

“Election” means an exercise organised by the Government of Southern Sudan through which commissioners, mayors, councillors and chairpersons of the Local Government councils and institutions are elected;

“Executive Director” means the chief administrator of a County;

“Finance Committee” means a committee formed by the council to take charge of its financial matters in accordance with the provisions of this Act;

“Non-Governmental Organisation” means a registered agency or organisation conducting development and/or rendering humanitarian assistance in Southern Sudan in accordance with the applicable laws;

“Local Authority Area” means the territorial area within which the local authority of the council is vested;

“Local authority” means the authority of the Council;

“Local Government Authority” means the local government body with definite administrative jurisdiction within which autonomous powers are exercised by elected Council members and appointed civil servants on behalf of the people;

“Local Government Board” means the Local Government Board established in accordance with the provisions of Article 173(3) of the Constitution;

“Local Government Council” means the Peoples Local Government Council established in accordance with the provisions of this Act;

“Local Government” means the level of government closest to the people within a State in Southern Sudan as provided under Article 50(c) of the Constitution;

“Local Government Fund” (LGF) means a special fund established as a “basket” for grants from governments and donors, directly committed to local government development initiatives.

“Municipality” means a council established in an urban area in accordance with the provisions of this Act;

“Local Legislation” means any legislation made by a Local Council in accordance with the provisions of this Act;

“Payam” means the second tier of the local government which is the coordinative unit of a County and which exercises delegated powers from the County Executive Council;

“Primary Services” means the basic services which include primary education and health care, shelter and public utilities;

“Public Utilities” means, *inter alia*, water and sanitation, energy, waste management, transport and communication.

“Quarter Council” means, *inter alia*, the basic administrative unit of a City, Municipal and Town Council which exercises de-concentrated powers;

“Rateable Property” means property on which a rate may be levied in accordance with the provisions of this Act and regulations;

“Ratepayer” means the owner of a rateable property and services who is liable to pay rates;

“Southern Sudan House of Chiefs” means a body established under this Act comprising of kings and chiefs;

“State Government” means the second level of government in Southern Sudan provided for under Article 50(b) and established under Article 167(1) of the Constitution;

“Town Clerk” means the chief administrator of a Town Council;

“Traditional Authority” means the traditional community body with definite traditional administrative jurisdiction within which customary powers are exercised by traditional leaders on behalf of the community;

“Vice Chairperson” means the vice-chairperson of a Council;

“Voter” means a person registered in the voters roll for council elections.

CHAPTER II

THE GUIDING PRINCIPLES

Section 6. Nature and Establishment of Local Government and Local Government Councils

- (1) Local Government is the third level of government in Southern Sudan which consists of a number of autonomous local government councils to be established in accordance with the provisions of this Act.
- (2) The establishment of the Local Government Councils shall be based on the principles of decentralisation and democratic governance that demands the devolution of authority and power to the lowest level of government closest to the people.
- (3) The Local Government Councils are community governments which exist at the levels of Government closest to the people in the States as provided for under Article 50 (c) of the Constitution.
- (4) The Community Governments are the Local Authorities which pre-existed in all the homelands of the people and in the urban settlements of the people founded on their customs and traditions where customs are the source of legislation and where cultures are the basis of strength, harmony and inspiration, to which Local Government institutions shall be committed, respected and promoted.

Section 7. Territory of the Local Government Councils

- (1) Each State in Southern Sudan shall be divided into a number of Local Government Councils in accordance with the provisions of the Constitution and this Act
- (2) The territory of the Local Government Councils shall comprise of all lands and areas that constitute Payams and Bomas of a Rural Council and quarters and Block Councils of the Urban Council.
- (3) The land which constitutes the territorial area of every Local Government Council shall be made up of private, community and public lands.
- (4) The rights in public land owned by the Local Government Council shall be exercised through the appropriate or designated level of Government in Southern Sudan, which shall recognize customary land rights in accordance with the provisions of Article 180 of the Constitution and the Land Act, 2009.

- (5) The territory of each Local Government Council shall be all the homelands for its residents within the respective community area which constitutes the given local council.
- (6) The boundary of each Local Government Council shall be demarcated in accordance with the provisions of this Act.

Section 8. Local Government Authority

- (1) The Local Government Authority shall be derived from the people and shall be exercised in accordance with the people's will as prescribed in this Act and any other applicable law.
- (2) The Local Government Authority shall be vested in each Local Government Council which shall be a legal entity with the right to sue and be sued in its own name.
- (3) The authority of each Local Government Council shall be exercised through its democratic and representative institutions of government established in accordance with the provisions of this Act.

Section 9. Sources of Local Government Legislation

- (1) The sources of legislation in the Local Government Councils shall be:-
 - (a) The Interim Constitution of Southern Sudan 2005;
 - (b) The Constitution of the respective State in Southern Sudan;
 - (c) The Local Government Act;
 - (d) Customs and Traditions of the people of the respective Local Government territory within the State; and
 - (e) Any other sources.
- (2) Religion and religious beliefs shall not be used as a source of legislation in the local government.

Section 10. Language

- (1) Without prejudice to the provisions of Article 6(2) of the Constitution, the national language spoken by the people in the respective Local Government Council may be the official language or medium of communication therein as shall be determined by the Council.
- (2) Each Local Government Council shall respect, develop and promote all the national languages spoken in its territory

- (3) The use of developed sign languages shall be encouraged by the Local Government Councils for the benefit of people with special needs.

Section 11. The Act of Rights and Citizenship

- (1) The rights and freedoms of individuals and groups within every local government territory shall be upheld, protected, respected and promoted by all organs, agencies and persons of the Local Government Authority concerned.
- (2) Every ethnic and cultural community within a local government territory shall have the right to freely enjoy and develop its cultures and practice its own customs and traditions while recognising and respecting the rights of others.

Section 12. Objectives of the Local Government

The objectives of the Local Government shall be to: –

- (1) promote self governance and enhance the participation of people and communities in maintaining law and order and promoting democratic, transparent and accountable local government;
- (2) establish the local government institutions as close as possible to the people;
- (3) encourage the involvement of communities and community based organizations in local governance and promote dialogue among them on matters of local interest;
- (4) promote and facilitate civic education;
- (5) promote social and economic development;
- (6) promote self-reliance amongst the people through mobilization of local resources to ensure the provision of services to communities in a sustainable manner;
- (7) promote peace, reconciliation and peaceful co-existence among the various communities;
- (8) ensure gender mainstreaming in local government;
- (9) acknowledge and incorporate the role of traditional authorities and customary law in the local government system;
- (10) consult and involve communities in decision making relating to the exploitation of natural resources in their areas;

- (11) create and promote safe and healthy environment; and
- (12) encourage and support women and youth activities and the training of local cadres.

Section 13. Principles of Local Governance

The following principles of local governance shall be the basis for decentralization and democratisation of the Local Government Authority system in Southern Sudan:-

- (1) Principle of subsidiarity, where decisions and functions shall be delegated to the lowest competent level of Government;
- (2) Self governance and democracy;
- (3) Participation of all citizens in the exercise of their rights to express their opinions in the process of decision making in public affairs;
- (4) Rule of law, maintain law and order and its enforcement in a fair and impartial manner while respecting and honouring the norms, virtues and values of the society;
- (5) Transparency, to build mutual trust between government and citizens through the provision of information and guaranteed access to information;
- (6) Equity, to provide an equitable distribution of resources throughout the Local Government Council;
- (7) Equality, to provide equal services and opportunities for all members of the local community with the aim of improving their welfare;
- (8) Responsiveness, to increase the sensitivity of the employees of government and non-governmental organisations to the aspirations of the people in service delivery and meeting public demands;
- (9) Accountability, to ensure accountability of decision-makers to the people in all matters of public interest; and
- (10) Efficiency and effectiveness, to ensure good public service delivery through optimum and responsible use of resources.

CHAPTER III

DECENTRALISED SYSTEM OF LOCAL GOVERNMENT

Section 14. The Local Government Council

A Local Government Council shall be decentralised into administrative tiers and shall have devolved authority into which the Traditional Authority of the Council shall be incorporated.

Section 15. Tiers of the Local Government

Without prejudice to the provisions of Article 173 (5) of the Interim Constitution of Southern Sudan, 2005, the Local Government shall comprise of three tiers of governments as follows:-

- (1) The County, City, Municipal and Town (Councils);
- (2) The Payam and Block Councils (Coordinative administrative Units); and
- (3) The Boma and Quarter Councils (Basic Administrative Units).

Section 16. Types of Local Government Councils

(1) The types of Local Government Councils shall be as follows:

- (a) Rural Councils;
 - (b) Urban Councils; and
 - (c) Industrial Councils.
- (2) An Urban Council is a Council established in an urban or a cosmopolitan area where more than sixty percent of its economic activities are non agricultural, with a considerable level of urban infrastructure and public utilities. Urban Councils are classified into:-
- (a) a City Council which shall be a corporate body, divided into Block Councils and Quarter Councils;
 - (b) a Municipal Council which shall be a corporate body, divided into Block Councils and Quarter Councils; and
 - (c) a Town Council which shall be a corporate body, divided into Quarter Councils.
- (3) A Rural Council is a Council established in a rural settlement or area whose economy is predominantly agricultural, pastoral or mixed, with a strong base of traditional administration and cultural practices, and known as a

County Council. The County Council shall be a corporate body which is sub-divided into Payam and Boma Councils.

- (4) An Industrial Council is a Council established in an industrial area which may have either or both characteristics of an Urban or a Rural Council, as follows:-
 - (a) in its initial establishment, it may be devolved and de-concentrated within the jurisdiction of the corporate body within which it exists; and
 - (b) an Industrial Council may qualify for the status of a full corporate body as it develops.
- (5) Every Local Government Council may grow in population, infrastructure and services to a higher status as shall be prescribed by rules and regulations.

Section 17. Grading of Local Government Councils

The Local Government Councils shall be graded into five (5) categories according to their respective status and viability as follows:-

- (1) Category “**A**” Councils

- City Council
 - Municipal Council

- (2) Category “**B**” Councils

- Town Councils

- (3) Category “**C**” Councils

- County Council (1)

- (4) Category “**D**” Councils

- County Council (2)

- (5) Category “**E**” Councils

- Industrial Councils

Section 18. Devolution of Authority

- (1) Each Local Council shall have devolved authority in accordance with the provisions of section 8 of this Act.

- (2) Without prejudice to the provisions of Article 51(1) of the Constitution, the following principles shall guide the devolution of authority and exercise of local government powers:-
 - (a) affirmation of the principles of self-reliance and self governance; and
 - (b) acknowledgement and incorporation of administrative aspects of the traditional systems and institutions into the Local Government.
- (3) Each Local Government Authority:-
 - (a) may delegate its authority to any other lower level;
 - (b) shall exercise its competence in accordance with the provisions of this Act and the Constitution ; and
 - (c) Shall respect the authority and powers devolved to State Governments.

Section 19. Incorporation of Traditional Authority Systems

- (1) The administrative aspects of the Authority institutions and systems shall be incorporated in the three tiers of the Local Government.
- (2) The traditional leaders shall represent their people in the County Legislative Council as determined by this Act and regulations there under.
- (3) The Boma shall be the main domain of the traditional authority where traditional leaders perform their administrative and customary functions.
- (4) In the Town Council, the traditional authority shall perform its administrative and customary functions within the quarter council.
- (5) There shall be no customary bench courts at the Municipal and City Council levels.

CHAPTER IV

ORGANIZATION OF THE LOCAL GOVERNMENT COUNCILS

Section 20. Creation and Establishment of the Local Government Councils

- (1) There shall be established, in the States of Southern Sudan, Councils to be known as the “Local Government Councils”.
- (2) The Local Government Councils shall be institutions of governance around which the people of Southern Sudan are organized socially, economically, politically and culturally to govern themselves in their own areas.

- (3) Each Local Government Council shall be created and established by an order issued by the President upon the recommendation of the State Government and the committee referred to in sub-section(4) below, in accordance with the standard criteria provided for in this Act.
- (4) The boundaries of each Local Government Council shall be demarcated and determined by a committee established by the Government of Southern Sudan.
- (5) Each Local Government Council shall be established by a warrant showing its jurisdiction, type of authority, territorial boundary and a map of its area duly signed by the President and attached.
- (6) The Warrant of Establishment of each Local Government Council shall be issued by the President upon submission by the Chairperson of the Local Government Board.
- (7) An established Local Government Council shall not be dissolved or abolished except by an order issued by the President.
- (8) The headquarters of each Local Government Council shall be the seat of its government.

Section 21. Criteria for the Establishment of the Local Government Councils

- (1) The criteria for the creation and establishment of the Local Government Councils shall be as provided for in Appendix I of this Act taking into account the following:–
 - (a) size of the territory;
 - (b) population;
 - (c) economic viability;
 - (d) common interest of law and communities; and
 - (e) administrative convenience and effectiveness.
- (2) The standard criteria for the creation and establishment of the Local Government Councils referred to in subsection (1) above, shall be variably applied for the creation of each Council according to its peculiar urban or rural status as shown in Appendix I of this Act.
- (3) All the existing forms of the Local Government Councils shall be reviewed and re-organised in accordance with the provisions of sub-sections (1) and (2) above.

Section 22. Organs of the Local Government Councils

The Local Government Councils shall have the following organs:-

- (a) The Legislative Council;
- (b) The Executive Council; and
- (c) The Customary Law Council.

Section 23. Powers and Competences of the Local Government Councils

Subject to the provisions of the Constitution, the Local Government Councils shall exercise legislative, executive and customary judicial authority on matters and functional areas as specified in Appendix II of this Act.

Section 24. Primary Responsibilities of the Local Government Councils

The primary responsibilities of the Local Government Councils shall be, but not limited to:-

- (a) regulation and maintenance of law and public order;
- (b) regulation, provision and maintenance of services to the people;
- (c) land administration and environmental management;
- (d) encouragement and promotion of local development and provision of access and opportunities for the people to engage in the development of their communities; and
- (e) protection of the rights of the people and their interests.

CHAPTER V

THE LEGISLATIVE COUNCILS

Section 25. Establishment of the Legislative Councils

- (1) There shall be established Legislative Authority in each Local Government Council as the highest legislative in the Council.
- (2) The legislative competence of each Local Government Council shall be vested in its Legislative Council in all matters assigned to it by this Act.
- (3) The Legislative Council shall exercise its legislative powers through enactment of by-laws assented to by the County Commissioner, Mayor or Town Clerk, as the case may be, in accordance with the provisions of this Act.

Section 26. Composition of the Legislative Councils

- (1) The Legislative Council of each Local Government Council shall consist of:-
 - (a) thirty five members directly elected from the Bomas of a County or the Quarters of a City, Municipal or Town Council;
 - (b) women representatives constituting at least twenty five percent of the total membership; and
 - (c) representatives of persons with special needs and/or other categories as may be determined by regulations.
- (2) Members of the Executive Council may participate as ex-officio members, without the right to vote.

Section 27. Eligibility for Membership of the Legislative Council

- (1) A candidate for membership of the Legislative Council shall:-
 - (a) be a Sudanese;
 - (b) be at least twenty one years of age;
 - (c) be of sound mind;
 - (d) be literate; and
 - (e) not to have been convicted during the last seven (7) years, of an offence involving honesty or moral turpitude.
- (2) Membership of the Legislative Council shall not be combined with any other position in the Executive Council, State Legislature and State Council of Ministers or any other level of Government.

Section 28. Election of Members of the Legislative Council

- (1) Members of the Legislative Council shall be elected through universal suffrage.
- (2) The term of office of members of the Legislative Council shall be four years from the date of the first sitting.

Section 29. Loss of Membership of the Legislative Council

- (1) An elected Councillor may lose his or her membership or position upon a resolution passed by a two thirds majority of members of the Legislative Council, if he or she:-
 - (a) tenders his or her written resignation to the Council;

- (b) fails to attend three consecutive ordinary meetings without permission or reasonable cause;
 - (c) ceases to be a resident in the Boma or Quarter;
 - (d) is appointed to fill another office or position;
 - (e) suffers mental infirmity based on an official medical report;
 - (f) is convicted of an offence involving honesty or moral turpitude; or
 - (g) dies.
- (2) Upon vacation of a Council seat, a successor shall be elected through a by-election within sixty (60) days from the date of receipt of notification in subsection (3) below.
- (3) When a vacancy occurs, the Chairperson of the Legislative Council shall, in writing, notify the Local Government Board and the State Ministry of Local Government and Law Enforcement within ten days from the date of occurrence of the vacancy.

Section 30. Oath of Council Members

Every member of the Council shall take the following oath of office before the Chairperson of the Council: _

“I....., having been elected as a Member ofLegislative Council, do hereby swear by Almighty God/solemnly affirm that I shall bear faith and true allegiance to Legislative Council and its people; that I shall obey and respect the provisions of the Local Government Act, 2009, the Interim State, Southern Sudan, and the National Constitutions; and that I shall faithfully and conscientiously discharge my functions and duties and serve the people to the best of my ability. So help me God/God is my witness”

Section 31. Immunity of the Members of the Legislative Council

- (1) A member of a Legislative Council shall be immune from any criminal proceedings and shall not be charged with an offence in any court of law during his or her term of office, except where he or she is caught committing an offence for which the police may arrest without a warrant.
- (2) Without prejudice to the generality of subsection (1) above, a member of a Legislative Council may be charged before a competent court of law following prescribed procedures to waive his or her immunity in accordance with the provisions of this Act and any other applicable law or regulations.
- (3) In case a member of a Legislative Council is charged with a serious offence, the Legislative Council may waive the immunity of the member concerned.

Section 32. Privileges of Members of the Legislative Council

- (1) The members of the Legislative Council shall freely and responsibly express their opinion as provided for in the Council Code of Conduct of Business.
- (2) No legal proceedings shall be initiated against any member, nor shall he or she be held accountable before any court of law for reasons of expressing views or opinions while performing his or her functions and duties.

Section 33. Emoluments of Members of the Legislative Councils

- (1) Members of the Legislative Council shall not be paid monthly emoluments but shall be entitled to allowances which shall be determined by each Council in accordance with Public Service Law and Regulations and the prevailing cost of living in each locality:-
 - (a) sitting allowances for all members, for Council sessions attended;
 - (b) administrative allowances for the Chairperson, Deputy Chairperson and Chairpersons of the Standing and Ad-hoc Committees of the Council; and
 - (c) allowances in lieu of basic facilities such as transport, accommodation and meals in the period of the Council business.
- (2) A member of the Council may hold any other office for remuneration or engage in any profit making business provided that:-
 - (a) such office or business does not compromise his or her duty as a member; and
 - (b) such member shall not assume any office in the Council Civil Service, State Legislature or State Council of Ministers or any other level of Government.

Section 34. Committees of the Legislative Council

- (1) The Legislative Council shall establish Committees for efficient and effective performance of its functions and duties.
- (2) Without prejudice to the provisions of sub-section (1) above, there shall be established in each Council, two types of committees:-
 - (a) Standing Committees as shall be determined by each Legislative Council; and
 - (b) *Ad hoc* Committees as necessity may require.

- (3) The functions and duties of the Council's Standing and Ad hoc Committees shall be determined by regulations issued by each Council.

Section 35. Officers of the Legislative Council

- (1) The Legislative Council shall have a Chairperson and a Deputy Chairperson elected from amongst its members in its first sitting.
- (2) The Chairperson shall preside over the sittings of the Council, control, maintain order and supervise the administrative affairs of the Council.
- (3) The Council shall elect the Chairpersons of its Standing Committees and Members of its *ad hoc* Committees as may be determined by regulations.
- (4) The Legislative Council shall appoint its secretary from the General List of Local Government Administrative Officers.
- (5) The Council Secretary shall be the chief administrator of the Council, he or she shall be responsible for the preparation of agenda of the Council sessions in consultation with the Chairperson and running the administration of the Council under the supervision of the Chairperson.
- (6) The Council Secretary shall be a member of the Legislative Council, but without the right to vote.
- (7) The Council shall be gender sensitive, representative and inclusive in the apportionment of its positions and appointment of its staff.

Section 36. Internal Regulations of the Legislative Council

- (1) The Legislative Council shall make its internal regulations for the conduct of its business in its first session.
- (2) The Chairperson of the Council shall ensure that such internal regulations are respected, adhered to and enforced accordingly.

Section 37. Powers and Functions of the Legislative Council

- (1) A Legislative Council shall have the powers to make by-laws within its jurisdiction.
- (2) The Legislative Council shall, in the exercise of its powers under sub section (1) above, legislate in accordance with the provisions of Appendix II, Schedules I, II, III and IV, of this Act or any other applicable law.
- (3) Supervise and oversee the performance of the Executive Council.

Section 38. Enactment of Council Legislations

- (1) The Legislative Council shall legislate through enactment of Acts into by-laws.
- (2) All by-laws passed by the Legislative Council shall be forwarded by the County Commissioner, Mayor or Town Clerk to the State Legal Administration to confirm compatibility with the State and Southern Sudan Constitutions and any other laws.
- (3) The Head of Legal Administration in the State shall give his or her opinion and advice within thirty (30) days of submission of the by-law to the Legal Administration.
- (4) Where the Head of Legal Administration is of the opinion that a particular by-law so forwarded is not in conformity with the Constitutions or any other law, he or she shall return the same to the forwarding Council for necessary action within the thirty (30) days.
- (5) Any by-law forwarded to the Head of Legal Administration for confirmation and not acted upon within the specified period, shall come into force in accordance with the provisions of this section.
- (6) Any by-law enacted by the Legislative Council and confirmed to be compatible with the Constitutions and other laws shall be assented to and signed into law, by the County Commissioner, Mayor or Town Clerk, as the case may be.
- (7) The by-laws shall be published in the Southern Sudan *Gazette*.

Section 39. By-laws

- (1) A Legislative Council shall enact by-laws to regulate Public Service, conduct and behaviour of the employees of the Local Government Council, Municipality or Town Council as the case may be.
- (2) A Council may enact punitive by-laws for the breach or violation of the provisions of by-laws or local orders within the limits of its jurisdiction,
- (3) Any Councillor may propose a private member Act for enactment as a by-law in accordance with the Legislative Council Conduct of Business Regulations.

Section 40. Provisional Orders

- (1) Where a Legislative Council is on recess, the County Commissioner, Mayor or Town Clerk may, on an urgent matter, issue a Provisional Order having the force of law.
- (2) The Provisional Order shall be tabled before the Legislative Council as soon as it convenes for ratification.
- (3) Where the Legislative Council ratifies the Provisional Order as it is, it shall be enacted as a by-law, but where the same is rejected or the session of the Council ends without it being ratified, the Provisional Order shall lapse with no retrospective effect.
- (4) A Act on the same subject matter may be re-introduced before the Legislative Council for consideration under the normal procedure for consideration of Acts.
- (5) Notwithstanding the provisions of subsection (1) above, the County Commissioner, Mayor or Town Clerk shall not make any Provisional Order on matters affecting the annual allocation of resources and financial revenue, penal legislations or alteration of administrative boundaries of the Payam or Boma of the County, Council or Municipality.
- (6) Any law which is repealed or amended pursuant to a Local Provisional Order that later lapsed or was rejected, shall revive into force as it was, starting from the date the Local Provisional Order lapsed or was rejected.

Section 41. Election of the Council Officers

- (1) Upon the declaration of the general elections results, the County Commissioner, Mayor or Town Clerk, as the case may be shall convene the first sitting of the Legislative Council within seven days.
- (2) The Eldest of the members of the Legislative Council shall chair the first sitting of the Council for the election of its Chairperson.
- (3) In its first sitting and after the election of the Chairperson, the Legislative Council chaired by its elected Chairperson, shall elect the Deputy Chairperson and the Chairpersons of the Standing Committees.
- (4) The election of the Council officers may be by secret ballot.

Section 42. Sittings of the Legislative Council

- (1) After the first sitting, the Legislative Council shall meet quarterly to deliberate on the Council business.
- (2) Any matter before the Legislative Council shall be decided by a simple majority of the Councillors present and voting and in case of a tie, the Chair shall have a casting vote.
- (3) The Chairperson of the Legislative Council shall, in consultation with the Secretary, convene ordinary sessions of the Legislative Council.
- (4) The Chairperson of the Legislative Council may, on his or her own initiative, in consultation with the Secretary, or on a written request signed by at least one third of the Councillors, call an extra-ordinary session of the Legislative Council.
- (5) A Councillor, who has direct or indirect interest in any matter under consideration before the Legislative Council or any of its committees, shall disclose that fact and shall withdraw from that sitting or meeting.
- (6) Quorum for the sittings of the Legislative Council shall be simple majority of the Councillors.
- (7) For purposes of quorum under sub-section (6) above a withdrawing member from the sitting, in accordance with the provisions of sub-section (5) herein, shall be considered present.
- (8) Meetings of the Legislative Council shall be open to the public unless the Legislative Council decides otherwise.
- (9) Proceedings of the Legislative Council shall be recorded in English, Arabic or any other national language being used in the County, Municipality or Town Council.

Section 43. Records of the Legislative Council Sittings

- (1) Every Legislative Council shall keep records of all its proceedings and resolutions.
- (2) The records of all the proceedings and resolutions of the Legislative Council shall be kept by the Secretary of the Legislative Council.
- (3) The Secretary of the Legislative Council shall ensure access by the Councillors and the public to the Legislative Council records of proceedings and

resolutions and ensure that they are available in sufficient quantities in the Legislative Council Library.

Section 44. The Seat of the Legislative Council

- (1) The Seat of the Legislative Council shall be the headquarters of the County, Municipality or Town Council.
- (2) Notwithstanding the provision of subsection (1) above, the Chairperson of the Legislative Council may, call any meeting to convene at any other place in the County, Municipality or Town Council as he or she may deem appropriate.

CHAPTER VI

THE EXECUTIVE COUNCIL

Section 45. Establishment of the Executive Council

- (1) There shall be established in each Local Government Council, an Executive Council, which shall be the highest executive authority in the Council.
- (2) Decisions of the Executive Council shall be passed by simple majority of its members and shall prevail over any other executive decision.
- (3) Meeting and the deliberations of the Executive Council shall be in camera and confidential.

Section 46. Composition of the Executive Council

- (1) The Executive Council shall comprise of:-
 - (a) county Commissioner or Mayor of City or Municipal Council or Town Clerk of the Town Council, as heads, as the case may be;
 - (b) Chief Administrators shall be the Secretaries of the Executive Councils; and
 - (c) Heads of departments of the Councils, as members.
- (2) Membership of the Executive Council shall not be combined with the membership of the Legislative Council or the State Executive Council or any other level of Government.

Section 47. Powers and Functions of the Executive Council

- (1) Subject to the provisions of the Southern Sudan and State Constitutions, the Executive Council shall inter alia, have the following functions:-

- (a) undertake the general planning and administration of the Local Government Council;
 - (b) provide services to the people;
 - (c) approve administrative policies proposed by the functional units of the Council;
 - (d) implement policies and by-laws passed by the Legislative Council;
 - (e) prepare annual budget and reports to the Legislative Council on the progress of the executive work;
 - (f) report to the Legislative Council upon its request;
 - (g) initiate Acts for submission to the Legislative Council;
 - (h) exercise powers and competences specified in Schedules I, II, III and IV of this Act.
- (2) Without prejudice to the generality of sub-section (1) above, the Executive Council shall perform functions assigned to its functional departments specified in Appendix III of this Act.
- (3) Where the Council decides to exercise its functions under Schedules II and III of this Act, it shall notify the State Government of its intention to exercise such powers.
- (4) Where the State Government objects thereto, a committee shall be set up to amicably resolve the dispute, and in lieu of that the matter shall be referred to the Government of Southern Sudan whose decision shall be final and binding.

Section 48. The County Commissioner

- (1) There shall be a County Commissioner for each Local Government Council.
- (2) The County Commissioner shall be directly elected by the people of the County by universal suffrage in a general election.
- (3) The tenure of office of the County Commissioner shall be four (4) years from the date of assuming office, and may be re-elected for one additional term only.
- (4) The County Commissioner shall:-
- (a) be the head of the County Executive Council;
 - (b) be the Chairperson of the County Security Committee;
 - (c) be the representative of the State Governor in the County;
 - (d) not be a member of the Legislative Council; and
 - (e) be accountable to the County Legislative Council in the discharge of his or her functions and duties.

Section 49. Eligibility for the Office of the County Commissioner

A candidate for the office of the County Commissioner shall be:–

- (a) a Sudanese;
- (b) of sound mind;
- (c) at least thirty years of age;
- (d) literate, with a minimum qualification of the Sudan School Certificate or its equivalent; and
- (e) not to have been convicted during the last seven (7) years, of an offence involving honesty or moral turpitude.

Section 50. Immunity and Impeachment of the County Commissioner

- (1) The County Commissioner shall be immune from any criminal proceedings and shall not be charged with an offence in any court of law during his or her term of office, except where he or she is caught committing an offence for which the police may arrest without a warrant.
- (2) Without prejudice to the generality of subsection (1) above, the County Commissioner may be charged before a competent court of law following prescribed procedures to waive his or her immunity in accordance with the provisions of this Act or any other applicable law or regulations.
- (3) In case the County Commissioner is charged with a serious offence, the Governor may waive the immunity of the County Commissioner concerned.
- (4) The County Commissioner may be removed by the Legislative Council upon a resolution passed by two thirds (2/3) majority of its members in an extraordinary session convened on the written request by at least one third (1/3) of its members for gross misconduct or violation of constitutional or legal provisions.

Section 51. Vacancy of the Office of the County Commissioner

- (1) The office of County Commissioner shall fall vacant under the following conditions:–
 - (a) expiration of his or her term of office;
 - (b) acceptance of his or her written resignation by the Legislative Council;
 - (c) impeachment in accordance with the provisions of this Act;
 - (d) mental infirmity or physical incapacity based on an official medical report approved by three quarters majority of all members of the Legislative Council; or

- (e) death.
- (2) Where the post of County Commissioner falls vacant, the Executive Director of the County shall act pending election of the new Commissioner.
- (3) The vacant post of the County Commissioner shall be filled within sixty (60) days from the date of the occurrence of the vacancy.

Section 52. Powers and Functions of the County Commissioner

The County Commissioner shall be the head of the Local Government in the County and shall, inter alia, exercise the following functions and duties:-

- (a) organise the executive institutions of the County to perform their functions and duties diligently and effectively;
- (b) preserve the security of the County and protect its people and its territorial integrity;
- (c) maintain law and order in the County;
- (d) execute policies passed and By-laws enacted by the Legislative Council, resolutions and decisions of the Executive Council;
- (e) preside over the meetings of the County Executive Council;
- (f) initiate legislations and amendments to the Legislative Council and assents and signs them into law;
- (g) summon, adjourn or prorogue the Legislative Council in consultation with the Chairperson of the Legislative Council;
- (h) mobilize and organize the general public to play an effective role in service delivery and development;
- (i) coordinate the activities and functions of the government, non-governmental organizations, private sector and community ventures within the County; and
- (j) perform other functions and duties as may be prescribed by law, delegated by the State Authorities or the Government of Southern Sudan or as may be authorised by the Legislative Council.

Section 53. The Mayor

- (1) There shall be a Mayor for each City or Municipal Council.
- (2) The Mayor shall be directly elected by the people of the City or Municipal Council by universal suffrage in a general election.
- (3) The tenure of office of the Mayor shall be four (4) years from the date of assuming office, and may be re-elected for one additional term only.

(4) The Mayor shall:-

- (a) be the head of the City or Municipal Council;
- (b) be the Chairperson of the City or Municipal Council Security Committee;
- (c) be the representative of the State Governor in the City or Municipal Council;
- (d) not be a member of the Legislative Council; and
- (e) be accountable to the Legislative Council in the discharge of his or her functions and duties.

Section 54. Eligibility for the Office of the Mayor

A candidate for the office of the Mayor shall:-

- a) be a Sudanese;
- b) be of sound mind;
- c) be at least thirty years of age;
- d) be literate, with a minimum qualification of the Sudan School Certificate or its equivalent; and
- e) not to have been convicted during the last seven (7) years, of an offence involving honesty or moral turpitude.

Section 55. Immunity and Impeachment of the Mayor

- (1) The Mayor shall be immune from any criminal proceedings and shall not be charged with an offence in any court of law during his or her term of office, except where he or she is caught committing an offence for which the police may arrest without a warrant.
- (2) Without prejudice to the generality of subsection (1) above, the Mayor may be charged before a competent court of law following prescribed procedures to waive his or her immunity in accordance with the provisions of this Act or any other applicable law or regulations.
- (3) In case the Mayor is charged with a serious offence, the Governor may waive the immunity of the Mayor.
- (4) The Mayor may be removed by the Legislative Council upon a resolution passed by two thirds (2/3) majority of its members in an extra ordinary session convened on the written request by at least one third (1/3) of its members for gross misconduct or violation of constitutional or legal provisions.

Section 56. Vacancy of the Office of the Mayor

- (1) The office of Mayor shall fall vacant under the following conditions:-
 - (a) expiration of his or her term of office;
 - (b) acceptance of his or her written resignation by the Legislative Council;
 - (c) impeachment in accordance with the provisions of this Act;
 - (d) mental infirmity or physical incapacity based on an official medical report approved by three quarters majority of all members of the Legislative Council; or
 - (e) death.
- (2) Where the post of the Mayor falls vacant, the Executive Director of the City or Municipal Council shall act pending election of the new Mayor.
- (3) The vacant post of the Mayor shall be filled within sixty (60) days from the date of the occurrence of the vacancy.

Section 57. Powers and Functions of the Mayor

The Mayor shall be the head of the City or Municipal Council and shall, inter alia, exercise the following functions and duties:-

- (a) organise the executive institutions of the City or Municipality to perform their functions diligently and effectively;
- (b) preserve the security of the City or Municipality and protect its people and its territorial integrity;
- (c) maintain law and order in the City or Municipality;
- (d) execute policies passed and by-laws enacted by the Legislative Council, resolutions and decisions of the Executive Council;
- (e) preside over the meetings of the City or Municipal Executive Council;
- (f) initiate legislations and amendments to the Legislative Council and assents and signs them into law;
- (g) summon, adjourn or prorogue the Legislative Council in consultation with the Chairperson of the Legislative Council;
- (h) mobilize and organize the general public to play an effective role in service delivery and development;

- (i) coordinate the activities and functions of the government, non-governmental organizations, private sector and community ventures within the City or Municipal Council; and
- (j) Perform other functions and duties as may be prescribed by law, delegated by the State Authorities or the Government of Southern Sudan or as may be authorised by the Legislative Council.

Section 58. Oath of the County Commissioner/Mayor

Upon assumption of office, the County Commissioner/Mayor elect shall take the following oath before the State Governor:-

“I....., having been elected as Commissioner/Mayor of County/City/Municipality, do hereby swear by Almighty God/solemnly affirm that I shall bear faith and true allegiance to and its people; that I shall obey and respect the will of the people, the decentralised system of governance and democracy, abide by the provisions of the Local Government Act, 2009, the Interim State, Southern Sudan, and the National Constitutions; and that I shall faithfully and conscientiously discharge my functions and duties and serve the people to the best of my ability, so help me God/God is my witness”.

CHAPTER VII

THE CIVIL SERVICE OF THE COUNCIL

Section 59. The Chief Administrator of the Council

- (1) Each Local Government Council shall be headed by a Chief Administrator from the general list of the Local Government Administrative Officers of the State, who shall be the head of civil service of the Council.
- (2) The titles of the Chief Administrators of the Local Government Councils shall vary according to the type and status of the Council as follows:-
 - (a) Executive Director, for a County Council;
 - (b) Chief Executive Officer, for a City Council;
 - (c) Chief Executive Officer, for a Municipal Council; and
 - (d) Town Clerk, for a Town Council.
- (3) All the Chief Administrators shall have similar civil service positions and grades.

- (4) A Grade “C” County, shall compose of two Councils, one Town Council and one Rural Council, where:-
 - (a) The Town Council shall be headed by a Town Clerk, and the Rural Council shall be headed by a Deputy Executive Director.
 - (b) The Town Clerk and the Deputy Executive Director, who shall be in the same grade, shall be subordinate to the County Executive Director.

Section 60. The County Executive Director

There shall be a County Executive Director for each County who shall be an appointed official from the general list of Local Government Administrative Officers of the State.

Section 61. Powers, Functions and Duties of the County Executive Director

- (1) The County Executive Director shall be the chief administrator of the County Council, and shall:-
 - (a) be the deputy of the County Commissioner;
 - (b) be the head of the civil service of the County; and
 - (c) be the chief financial officer of the County.
- (2) Notwithstanding the provisions of sub-section (1) above, the County Executive Director shall, *inter alia*, exercise the following powers, functions and duties:-
 - (a) represent the County Commissioner in the County Council;
 - (b) advise the County Commissioner on all technical matters of the Council administration;
 - (c) oversee the public order functions of the County Council;
 - (d) implement policy decisions and programmes of the County Council;
 - (e) supervise the administration and management of the County Council finances, personnel, stores, workshops, public utilities and recreational centres, procurement and the maintenance of movable and immovable public assets;

- (f) ensure implementation and execution of the resolutions of the County Council on all matters;
- (g) monitor and evaluate the programmes and activities of the County Council;
- (h) supervise and coordinate the technical functions of the Council departments;
- (i) conduct performance appraisal of the seconded staff and report on their work to the County Commissioner and the State Ministries concerned;
- (j) develop capacity development programmes and make recommendations for the support and technical staff and administrative officers, to the State Ministries concerned;
- (k) safe custody of all County Council records and funds;
- (l) mobilise and organise the general public to play an effective role in service delivery and development;
- (m) coordinate government, non-governmental, private and community activities and functions in the County Council; and
- (n) Perform other functions and duties as may be prescribed by any applicable law and/or delegated by the County Commissioner.

Section 62. The Chief Executive Officer

There shall be a Chief Executive Officer for each Municipal and City Council. He or she shall be an appointed official from the general list of Local Government Administrative Officers of the State.

Section 63. Powers, Functions and Duties of the Chief Executive Officer

- (1) The Chief Executive Officer shall be the chief administrator of the City or Municipal Council, and shall be:-
 - (a) the deputy of the Mayor;
 - (b) the head of the civil service of the City or Municipal Council; and
 - (c) the chief financial officer of the City or Municipality.

- (2) Notwithstanding the provisions of sub-section (1) above, the Chief Executive Officer shall, *inter alia*, exercise the following powers, functions and duties:-
- (a) represent the Mayor in the City or Municipal Council;
 - (b) advise the Mayor on all technical matters of the City or Municipal Council administration;
 - (c) Oversee public order and functions of the City or Municipal Council;
 - (d) implement the policy decisions and programmes of the City or Municipal Council;
 - (e) supervise the administration and management of the City or Municipal Council finances, personnel, stores, workshops, public utilities and recreational centres, procurement and the maintenance of movable and immovable public assets;
 - (f) implementation and/or execution of the resolutions of the City or Municipal Council on all matters;
 - (g) monitor and evaluate the programmes and activities of the City or Municipal Council;
 - (h) supervise and coordinate the technical functions of the City or Municipal departments;
 - (i) conduct performance appraisal of the seconded staff and report on their work to the Mayor and the State Ministries concerned;
 - (j) develop capacity development programmes and make recommendations for the support and technical staff and administrative officers, to the State Ministries concerned;
 - (k) ensure safe custody of all City or Municipal Council records and funds;
 - (l) mobilise and organise the public to play an effective role in service delivery and development;
 - (m) coordinate government, non-governmental, private and community activities and functions in the City or Municipal Council; and
 - (n) Perform other functions and duties as prescribed by any other applicable law and/or delegated by the Mayor.

Section 64. The Town Clerk

There shall be a Town Clerk for each Town Council who shall be appointed from the general list of Local Government Administrative Officers of the State.

Section 65. Powers, Functions and Duties of the Town Clerk

- (1) The Town Clerk shall be the Chief Administrator of the Town Council and shall be the:–
 - (a) Chairperson of the Town Security Committee;
 - (b) Head of the Town Executive Council; and
 - (c) Chief financial officer of the Town Council.
- (2) Notwithstanding the provisions of sub-section (1) above, the Town Clerk shall, *inter alia*, exercise the following powers, functions and duties:-
 - (a) represent the County Commissioner in the Town Council;
 - (b) advise the County Commissioner on all technical matters of the Town Council administration;
 - (c) oversee public order functions of the Town Council;
 - (d) implement policy decisions and programmes of the Town Council;
 - (e) supervise the administration and management of the Town Council finances, personnel, stores, workshops, public utilities and recreational centres, procurement and maintenance of movable and immovable public assets;
 - (f) implementation and/or execution of the resolutions of the Town Council on all matters;
 - (g) monitor and evaluate programmes and activities of the Town Council;
 - (h) supervise and coordinate the technical functions of the Town Council departments;
 - (i) conduct performance appraisal of the seconded staff and report on their work to the County Commissioner and the State Ministries concerned;

- (j) develop capacity development programmes and make recommendations for the support and technical staff and administrative officers, to the State Ministries concerned;
- (k) ensure safe custody of all Town Council records and funds;
- (l) mobilise and organise the public to play an effective role in service delivery and development;
- (m) coordinate government, non-governmental, private and community activities, functions and duties in the Town Council; and
- (n) perform other functions and duties as may be prescribed by any other applicable law and/or delegated by the County Commissioner.

Section 66. The Local Government Administrative Officers

- (1) The Local Government Administrative Officers shall be professional officers of the Civil Service of the States and other institutions of local governance, who shall be recruited by the State and trained into the Local Government Administrative Cadre of Southern Sudan.
- (2) The following shall be the qualifications for eligibility for recruitment into the Local Government Administrative Officer profession:-
 - (a) a university degree or its equivalent;
 - (b) Sudan School Certificate or its equivalent with a minimum of five years experience in a related field;
 - (c) passing an examination set for recruitment of Administrative Officer Cadets;
 - (d) be twenty two years of age, medically fit and of good character; and
 - (e) not a political activist.
- (3) The training of Local Government Administrative Officers shall be conducted by the Local Government Board in collaboration with the concerned State Ministry of Local Government and Law Enforcement provided that:-
 - (a) the recruited administrative cadet officers shall undergo induction courses in public administration;

- (b) the successful cadet officers shall be appointed on eighteen months probation period before confirmation into the Local Government administrative cadre;
 - (c) the cadet officers shall undergo practical field work through Local Council attachments for six months during their probation period upon the completion of their induction course;
 - (d) the junior administrative officers shall attend a three months council management course within one year of their confirmation and appointment into Local Government service to qualify them to work as executive officers;
 - (e) the executive officers shall attend a three months middle management course after promotion and shall be due for their second middle management course to qualify them for promotions to the posts of inspectors of Local Government within three years; and
 - (f) the leadership courses for senior administrators and specialized courses for all other officers shall be provided through the career development professional training of Local Government Administrative Officers.
- (4) Internal Transfers of Local Government Administrative Officers within each State shall be the competence of the State Ministry in-charge of Local Government provided that:-
- (a) the Local Government Board shall maintain the General List of all Administrative Officers in Southern Sudan according to their batches any seniority as approved by the Council of Ministers of the Government of Southern Sudan;
 - (b) the Local Government Board may deploy cadet officers under training to work in any part of Southern Sudan, as deemed fit and necessary; and
 - (c) internal transfers within the States shall be in accordance with the Local Government Board schedules and guidelines.
- (5) The promotion of Local Government Administrative Officers shall be the responsibility of the State Ministry of Local Government and Law Enforcement, provided that:-
- (a) the preparation by the Local Government Board of promotion criteria and the procedures to be followed by the State Ministry of Local Government and Law Enforcement to guide the promotion processes

for submission of confidential reports of each administrative officer for promotion;

- (b) the submission by the Chief Administrators of the Local Government Councils recommendations for the promotion of Administrative Officers due for promotion shall be to the Director General of the State Ministry of Local Government and Law Enforcement;
 - (c) the formation by the Local Government Board of Technical Committees to process the promotions upon receipt of the recommendations of the State Ministries of Local Government and Law Enforcement; and
 - (d) the submission by the Local Government Board of the valid lists of promotions to the State Ministry of Local Government and Law Enforcement for deliberations and adoption of final resolution by the State Council of Ministers.
- (6) The Local Government Administrative Officers shall be supervised and disciplined at the State level by the chief administrators in their respective councils in accordance with the Public Service Law, Rules and Regulations.
- (7) For the purposes of justice and fairness in the management of the affairs of the Local Government Administrative Officers, the following conditions shall be observed:-
- (a) it shall be the duty of each Chief Administrator of the Council to ascertain that the disciplinary procedures are fair and conducted according to the law;
 - (b) each Chief Administrator shall assume full responsibility to protect all the Local Government Administrative Officers under his or her supervision or control against any form of victimization; and
 - (c) any Administrative Officer who becomes a victim of any form of victimisation shall have the right to appeal to the Local Government Board, after having exhausted all the necessary procedures as provided for by the Public Service Law, Rules and Regulations.
- (8) Local Government Administrative Officer shall be immune from any criminal proceedings and shall not be charged with an offence in any court of law during his or her term of office, except where he or she is caught committing an offence for which the police may arrest without a warrant.
- (9) Without prejudice to the generality of subsection (8) above, a Local Government Administrator may be charged before a competent court of law

following prescribed procedures to waive his or her immunity in accordance with the provisions of this Act and any other applicable law or regulations.

- (10) In case a Local Government Administrator is charged with serious crime, his or her immunity may be waived by the County Commissioner or Mayor, as the case may be.

Section 67. Seconded Staff of the Council

- (1) The State Authorities may second their departmental staff to the Local Government Councils to manage the corresponding departments of the Councils.
- (2) The seconded staff shall be posted to fill the vacant posts of the Council establishment as shown in its nominal roll on the request of the Council Authority.
- (3) Once transferred to the Council, the seconded Staff shall be directed, supervised and managed by the Authorities of the Council concerned.
- (4) The performance reports shall be sent to the mother departments in accordance with the provisions of this Act and the Public Service Law, Rules and Regulations.

Section 68. Local Staff of the Council

- (1) The Local Government Councils shall have the right to recruit and terminate the service of their Local Staff in accordance with their terms and conditions of service, as prescribed by this Act and any other applicable law or regulations.
- (2) Each Council shall regulate the functions of its local staff; maintain the records for their welfare which shall provide for their post-service benefits, and their pensions.

CHAPTER VIII

LOCAL GOVERNMENT PLANNING AND FINANCE

Section 69. The Principle of Integrated Participatory Planning:

- (1) The preparation of the Council plans shall be based on an integrated participatory approach, which encompasses the departmental plans of all the units of the Council.

- (2) The Council plans shall be made up of annual, medium and long term plans.

Section 70. The Council Planning Unit

- (1) Each Local Government Council shall establish a Council Planning Unit which shall be charged with the preparation of all the service delivery and the socio-economic development plans of the Council.
- (2) The Planning Unit shall within its mandate plan for the provision of basic or primary services, in conformity with the State and GOSS sectoral plans and policies.

Section 71. Functions and Duties of the Planning Unit

The functions and duties of the Planning Unit shall be as follows:-

- (1) Identify, analyse and prioritise the needs of the Council.
- (2) Prepare the Council Plan and Budget for approval by the Legislative Council
- (3) Monitor and supervise the implementation of the Council Plan and Budget.
- (4) Coordinate and monitor the activities of all development partners in the implementation of the Council projects.
- (5) Perform any other functions and duties as may be assigned to it.

Section 72. Implementation and Execution of the Council Plan

- (1) Upon approval of the plan, its management, implementation and execution shall be the responsibility of the Chief Administrator of the Council.
- (2) The Chief Administrator shall periodically render progress reports to the Executive Council for purposes of accountability.

Section 73. Sources of Local Government Finance

- (1) The Local Government Council shall be funded by a combination of government grants, locally generated revenues, community contributions, grants and donations from organisations and individuals and loans in accordance with its credit worthiness or any other sources authorized by law.
- (2) Each Council shall raise funds from its sources to meet its expenditures.

Section 74. Local Sources of Revenue

The Local Government Councils may generate Revenue from the following sources:-

(1) Taxes:-

- (a) Council property tax
- (b) social service tax;
- (c) Council land tax;
- (d) animal tax;
- (e) gibana tax;
- (f) Council sales tax;
- (g) capital gains tax;
- (h) produce tax (ushur); and
- (i) any other taxes as may be authorized by law, rules and regulations

(2) Local Rates:-

- (a) user service charges;
- (b) license fee;
- (c) administrative fines;
- (d) royalties;
- (e) permits;
- (f) Customary court fees and fines;
- (g) contract fees;
- (h) auction fees;
- (i) any other fees and charges as may be authorized by any other law, rules and regulations

(3) Local Earnings from the Council Investments and Projects.

Section 75. Community Contributions

Each Council may mobilize resources from the community in the following forms:-

- (a) labour contribution;
- (b) monetary contribution; and
- (c) contribution in-kind.

Section 76. Grant-in- Aid

The Local Government Council shall mobilize funds to meet its expenditures through accessing grants from governments, donors and donor agencies.

Section 77. Government Grants

- (1) The Council shall receive grant-in-aid from the Government of Southern Sudan and the State.
- (2) The following grants may be allocated all or any of them to the Local Government Council from the Southern Sudan or state revenue:–
 - (a) conditional grants;
 - (b) block grants;
 - (c) equalization grants; and
 - (d) State support grants.
- (3) Any Government grant allocated under sub-section (1) above shall be disbursed through the State Authorities directly into the bank account of each Local Government Council, through which expenditure shall be regulated by the Local Government Council concerned.

Section 78. Donor Grants

- (1) The donor grants may be:–
 - (a) direct financial assistance to the Local Government Council concerned;
 - (b) in-direct financial assistance to Local Government Council concerned, channelled through donor agencies, international and national non-governmental and community based organisation, operating in the particular Local Government Council area; or
 - (c) technical assistance to the Local Government Councils.

- (2) The direct and indirect assistances provided to the Local Government Authorities shall be included as the grant revenue components of the Local Council Development Plans and programs designed for implementation.
- (3) The donor funds granted to any Local Government Council shall be kept in an account in a credible bank.

Section 79. Loans

- (1) The Local Government Councils, as corporate bodies, shall, based on their credit worthiness, have the right to borrow.
- (2) Each Council shall encourage and promote the establishment of micro-finance institutions from which it may access credit facilities for its projects.

Section 80. Establishment of the Local Government Fund

- (1) There shall be established a Local Government Development Fund, which shall be a “basket fund” for all donations and contributions to the Local Government Councils to meet the recovery and development expenditures of the Councils.
- (2) The main sources of the Local Government Development Fund shall be:–
 - (a) transfers from the Government of Southern Sudan for recovery and community development projects at the local government level;
 - (b) special funds allocated by the Government of Southern Sudan and the State Governments as supplementary funds to offset Local Government Council development budget deficits;
 - (c) national donations and contributions earmarked to fund specified socio-economic and cultural projects at the Local Government level; and
 - (d) international donations and contributions earmarked to support Local Government recovery and development programs.
- (3) The Local Government Development Fund shall be administered by an autonomous management body constituted of two organs as follows:–
 - (a) a Steering Committee, which shall be the Fund policy making organ composed of members from the relevant sectoral units and independent institutions of the Government of Southern Sudan, the State and Local Government Councils and the donor representatives as *ad-hoc* members; and

- (b) a Fund Secretariat which shall be the technical body of the Fund with the authority to manage its activities on day to day basis.
- (4) The Ministry of Finance and Economic Planning of the Government of Southern Sudan shall make the necessary rules and regulations to –
 - (a) guide the process of resource mobilization, management, monitoring and evaluation of the Fund activities; and
 - (b) establish the financial and administrative mechanisms through which the Local Government Councils and the civil society organizations of the Counties concerned, may access funding from the Local Government Fund.
- (5) The Ministry of Finance and Economic Planning shall formulate, the necessary rules and regulations to guide the adoption of relevant organizational policy directives for the Fund Steering Committee in order to:–
 - (a) focus on the recovery and community development projects as the primary objects of funding;
 - (b) develop the assessment and selection criteria for the determination of viable projects submitted by the Local Government Councils and civil society organizations applying to access funding; and
 - (c) advise the Management Body of the Fund on the regulatory mechanisms and codes of conduct required for application in the management of the Fund.

Section 81. The Financial Year of the Councils

- (1) The financial year of the Local Government Councils shall commence on the first day of January of every year and end on the thirty-first day of December of the same year.
- (2) The Commissioner, Mayor or Town Clerk as the case may be, shall prepare and present to the Legislative Council before the beginning of the financial year, an Appropriation Act of the allocation of revenues and expenditure in accordance with the provisions of this Act.

Section 82. The Appropriation Bill

- (1) The Appropriation Bill shall include the narratives of:–
 - (a) a general evaluation of the economic and financial performance and situation with detailed estimates of proposed revenue and expenditure

for the forthcoming year compared to those of the previous financial year;

- (b) a statement of the general budget showing any reserve funds and any transfer thereto or allocations there from; and
 - (c) explanations of any special funds or financial estimates, policies or measures to be taken by the Council regarding the financial and economic affairs of its area within the framework of the general budget.
- (2) The Appropriation Act shall contain the budget proposals of income from taxes, rates, fees, charges, donations, contributions, borrowings, investments and savings; and the budgeted proposals of the total expenditure to be incurred during the financial year.
- (3) The Appropriations Act shall reflect the priorities of the Council, specified in its approved service delivery and the socio-economic development plans, in accordance with the provisions of this Act.

Section 83. Submission of the Budget Proposal

- (1) The Council Budget Proposal shall be submitted to the Legislative Council by June, 30th every year.
- (2) The County Commissioner, Mayor or Town Clerk, as the case may be, shall inform the members of the Legislative Council of the need to prepare for the budget deliberations before the submission date.
- (3) The Chairperson of the Legislative Council shall reserve the right to cause the submission of the Council budget by the Commissioner, Mayor or Town Clerk, as the case may be, to the Legislative Council as a result of failure to submit the budget in time.
- (4) The proposed Council Budget shall be approved by a simple majority of the members of the Legislative Council.
- (5) Upon submission of the Proposed Budget, the Legislative Council shall deliberate on the budget, and it may amend, reject or adopt the Budget as it deems fit.
- (6) The Appropriation Act so passed, by the Legislative Council shall become its approved Annual Budget.
- (7) The detailed estimates specified in the approved Annual Budget, shall not be exceeded save by a Supplementary Appropriation Act.

- (8) Any surplus funds over revenue estimates and the legal reserve fund shall not be spent save by a Supplementary Appropriation Act.
- (9) After the passing of the budget, no funds shall be transferred from one Chapter to another, nor shall any money be spent on an item not provided for in the budget without the approval of the Legislative Council.

Section 84. Execution of the Council Budget

- (1) Upon approval, the execution of the budget shall be the responsibility of the Chief Administrator of the Council and supervised by the Legislative Council.
- (2) Throughout the budget cycle and each of the stages of the cycle the Chief Administrator shall report to the Council, for verification and accountability.
- (3) The Council shall maintain its books of accounts in order to record:-
 - (a) all transactions of funds received and spent;
 - (b) all income earned or accrued but not received; and
 - (c) all expenditures committed but not incurred.
- (4) The books of accounts of the Council shall be kept and maintained according to sound bookkeeping and accounting principles and standards.
- (5) The Council shall keep and maintain proper records of its moveable and immovable assets and the discharged and un-discharged liabilities.
- (6) Before the expiry of the financial year, the Executive Council shall prepare and submit to the Legislative a financial report on the budget implementation during the year.
- (7) The Executive Council may submit supplementary budget to the Legislative Council during the financial year.
- (8) Whenever a Council fails to pay its loans, the State Minister of Finance, may give directives to the Council to remedy the situation.

Section 85. Audit of Council Accounts

- (1) Accounts of the Local Government Councils shall be audited annually by the Auditor General of the Government or any other audit firm appointed by the Legislative Council and approved by the Auditor General.
- (2) The State Ministry of Local Government and Law Enforcement may direct the Council to take corrective measures arising out of the Auditor's report.
- (3) The Local Government Board may conduct financial inquiry into the conduct and running of financial affairs of any Council, in collaboration with the State Ministry of Local Government and Law enforcement and prepare reports to the President of the Government of Southern Sudan and the Governor of the State concerned.

Section 86. Provisional and Supplementary Financial Measures

- (1) In the event of delay in passing of the Budget by the Legislative Council beyond the beginning of the Financial year:-
 - (a) expenditure shall continue, pending adoption of the general budget, in accordance with the estimates approved for the previous year, as if the same has been appropriated by law for the new financial year;
 - (b) the levying of any new tax, rates, fees and charges, or the amendment of the same, shall not be effected except with the approval of the Legislative Council; and
 - (c) Council debts and the execution of Court Orders, Fines or Awards shall continue to be paid out of reserve fund.
- (2) Whenever new circumstances arise, or a matter of public concern proves not to have been satisfactorily addressed by the Council budget, the Commissioner, Mayor or Town Clerk, may during the financial year, submit a supplementary budget or an allocation from the Reserve Funds to the Legislative Council for approval.

Section 87. Final Accounts

The Commissioner, Mayor or Town Clerk shall cause to be presented to the Legislative Council, during the six months following the end of the financial year, the audited financial report of all Council's revenue and expenditure for consideration.

CHAPTER IX

LAND AND LOCAL RESOURCES OF THE COUNCIL

Section 88. Council Land

- (1) All Local Government Councils shall administer and regulate territorial land referred to in Section 7 of this Act in accordance with the provisions of Chapter II, Article 180 (1) of the Constitution, where:-
 - (a) the territorial boundaries of every Council established in accordance with the provisions of this Act, shall be demarcated and gazetted by the Government of Southern Sudan; and
 - (b) land surveys and land use Master Plans, shall be developed by the State Authorities in consultation with the Local Government Councils and the Communities concerned.
- (2) The distribution and allotment of the Local Government Council land, for various uses, shall be planned and managed by the Council concerned, in consultation with the community of the respective area.
- (3) The planning and management of the Local Government Council land shall be in accordance with the Land customs, traditions and norms of the Communities, policy guidelines, the Land Act, 2009, Rules and Regulations thereof.

Section 89. Land Acquisition

The procedure for acquiring community land within a Local Government Council area for Government and other uses, shall be the function of the respective Council, save that the concerned Council shall:-

- (a) respect the existing customary practices, protect local heritage and observe international trends and practices in land acquisition;
- (b) consult the community concerned on the Land acquisition or usage as the case may be; and
- (c) protect the rights and interests of the Communities in areas within the local council, where subterranean natural resources are being explored and or exploited, to ensure their rights to share in the benefits accruing from such resources

Section 90 Regulation of Seasonal Access to Land

Without prejudice to the generality of the provisions of Article 180 (5) of the Constitution, every Local Government Council shall:-

- (a) formulate policies and by-laws within its jurisdiction to regulate customary seasonal access rights to land;
- (b) protect agricultural land, and
- (c) maintain peace and harmony among the communities without undue interference in land in accordance with the customary practices prevailing in that area.

Section 91. Establishment of Council Land Committees or Authorities

- (1) Every Local Government Council shall establish a land committee or authorities to ease the processes of land management and administration within its own jurisdiction.
- (2) The Council Land Committee or Authorities shall be constituted in accordance with the provisions of Land Act, 2009, without prejudice to the right of the Council to nominate not more than five Councillors as members therein.
- (3) Without prejudice to the provisions of the Land Act, 2009, the functions and duties of the Council Land Committee or Authority, *inter alia*, shall be as follows:-
 - (a) protection of the Council land;
 - (b) organisation of Council Land Development Plans in consultation with the State Government authorities and the committees concerned;
 - (c) preparation of local policy guidelines for the development of Council physical and social infrastructure;
 - (d) preparation of policy guidelines for land use rights and the maintenance of Council cadastral systems for keeping up to date records of land registration, allotment, title deeds, and land statistics;
 - (e) preparation of housing, shelter, human settlement, urban renewal or slum up-grading plans and projects for Council land use;
 - (f) development of land registration, distribution, and allocation schemes and schedules for Council land management;
 - (g) mediation of consultation processes of land lease between the community and other investors;
 - (h) supervision of operational processes of land survey, valuation and statistical data collection by government and non-governmental organisations;
 - (i) establishment of land dispute resolution mechanisms;

- (j) representation of the Council during the process of urban and rural planning, land use planning and Land Master Plan development, initiated or undertaken by the State government, or Government of Southern Sudan; and
 - (k) any other functions assigned to the Council concerned by the State government and/or the Government of Southern Sudan.
- (4) The Council shall form sub-committees to perform the same functions of the Council Land Committee at:-
- (a) Payam or Block Council level, and
 - (b) Boma or Quarter Council level.

Section 92. Land Management

- (1) Subject to the provisions of Article 180 of the Constitution and any other applicable law, Local Government Councils shall enact by-laws to regulate land management on:-
- (a) land use control and protection systems;
 - (b) land acquisition, allotment and withdrawal systems;
 - (c) land lease and land rights transfer systems;
 - (d) environmental protection and maintenance of prescribed standards for public health, sanitation, amenities, and utilities, and
 - (e) pastoral and agricultural land to guarantee land safety.
- (2) Without prejudice to the authority over land vested in the State Government and Government of Southern Sudan, every Local Government Council shall, administer and manage Council land in accordance with the provisions of the Land Act, 2009, this Act and any other applicable law, and shall observe and adhere to the processes and procedures set forth for the maintenance of the following:-
- (a) ownership and derivative rights of access to land;
 - (b) registration of land rights;
 - (c) cadastral administration;
 - (d) acquisition of land for investment purposes;
 - (e) pastoral land;

- (f) land use and environmental preservation;
- (g) regulation of unauthorised occupancy; and
- (h) land dispute resolution.

CHAPTER X

THE CUSTOMARY LAW COUNCIL AND COURTS

Section 93. Establishment of the Customary Law Council

There shall be established in each County a Customary Law Council which shall be the highest Customary Law authority in the County.

Section 94. Composition of the Customary Law Council

- (1) The Customary Law Council shall comprise of:-
 - (a) the County Paramount Chief as the head;
 - (b) all Head Chiefs of the “B” Courts or Regional Courts of the County as members;
 - (c) the Secretary of the Council, who is appointed by the Customary Law Council, as an ex-officio member;
 - (d) Three community elders, three women and one youth representative appointed by the County Commissioner after consultation with the community; and
 - (e) Any other ex-officio members as may be invited by the Council.
- (2) The membership of the Customary Law Council shall not be combined with the membership of the Legislative Council or the State Judiciary, except as ex-officio members.

Section 95. Functions and Duties of the Customary Law Council

- (1) The Customary Law Council shall protect, promote and preserve the traditions, customs, cultures, values and norms of the communities.

- (2) The Customary Law Council shall regulate, maintain, monitor and ensure proper administration of the customary law.
- (3) Members of the Customary Law Council shall be impartial in the performance of their functions and duties.

Section 96. Authority of Customary Law Council

- (1) The authority of the Customary Law Council shall be derived from the customs and traditions of the people of the County in accordance with the provisions of this Act and any other applicable laws or regulations.
- (2) The Customary Law Council shall be responsible for the selection, recruitment, and training of the Customary Law Courts staff and the maintenance of professional standards in accordance with applicable rules and regulations.
- (3) The Customary Law Council shall ensure women participation by at least twenty-five percent of the membership.
- (4) The Customary Law Council shall ensure that the freedoms and rights enshrined in the Constitutions are upheld and respected in the Customary Law Courts.

Section 97. Establishment of Customary Law Courts

- (1) There shall be established Customary Law Courts as follows:–
 - (a) “C” Courts;
 - (b) “B” Courts or Regional Courts;
 - (c) “A” Courts or Executive Chief’s Courts; and
 - (d) Town Bench Courts.
- (2) The Local Government Authority shall ensure adequate representation of women in the Customary Law Courts.

Section 98. Competences of Customary Law Courts

- (1) The Customary Law Courts shall have judicial competence to adjudicate on customary disputes and make judgments in accordance with the customs, traditions, norms and ethics of the communities.

- (2) A Customary Law Court shall not have the competence to adjudicate on criminal cases except those criminal cases with a customary interface referred to it by a competent Statutory Court.
- (3) In deciding cases, the Customary Law Courts shall, *inter alia* apply the following principles:-
 - (a) justice shall be done to all, irrespective of social, economic and political status, race, nationality, gender, age, religion, creed or belief;
 - (b) justice shall neither be delayed nor denied;
 - (c) adequate compensation shall be awarded to victims of wrongs;
 - (d) voluntary mediation and reconciliation agreements between parties shall be recognized and enforced; and
 - (e) substantive justice shall be administered without due regard to technicalities.
- (4) All organs and institutions of the Council shall obey and execute the judgments and orders of the Customary Law Courts.
- (5) Decisions of the Customary Law Courts shall be appealed against in accordance with the provisions of this Act.

Section 99. The “C” Court

- (1) There shall be established in each County a “C” Court which shall be the highest Customary Law Court of the County.
- (2) Appeals against the decisions of the “B” Courts or Regional Courts shall lie with the “C” Courts.
- (3) Decisions of the “C” Courts shall be appealed against to the County Court Judge of First Grade.
- (4) The membership of the “C” Court shall consist of:-
 - (a) The Paramount Chief, as Chairperson; and
 - (b) Head Chiefs of the “B” or Regional Courts, as members.
- (5) The Chairperson of the “C” Court shall be answerable to the County Commissioner for the performance of the Court.

- (6) The Paramount Chief shall be responsible for the administration of the Customary Law Courts in the County.
- (7) The “C” Court shall have the competence of deciding on:-
 - (a) appeals against the decisions of “B” Courts;
 - (b) cross cultural civil suits; and
 - (c) criminal cases of customary nature referred to it by a competent Statutory Court.

Section 100. The “B” Court or Regional Court

- (1) There shall be established in each County, “B” Courts or Regional Courts, as the case may be, which shall be the Customary Law Courts.
- (2) The “B” Court or Regional Court shall be a court of first instance in:-
 - (a) major customary disputes; and
 - (b) minor public order cases.
- (3) The “B” or Regional Court shall have an appellate jurisdiction in respect of appeals against decisions of the “A” or Executive Chiefs Court.
- (4) The “B” or Regional Court shall have the competence of deciding, *inter alia*, on:-
 - (a) major customary civil suits of marriage;
 - (b) divorce, adultery and elopement;
 - (c) Inheritance;
 - (d) child rights and care;
 - (e) women rights; and
 - (f) customary land disputes.
- (5) Each “B” or Regional Court shall comprise of:-
 - (b) the Head Chief, Chairperson; and
 - (c) the Chiefs; as members.
- (6) The Chairperson of the “B” or Regional Court shall be answerable to the Paramount Chief for the performance of the Court.
- (7) The Head Chief shall be responsible for the administration of the Customary Law Courts of the Payam.

Section 101. The “A” or Chief Court

- (1) There shall be established in each Boma, “A” or Chief Courts which shall be the customary courts of first instance.
- (2) The “A” or Chief Court shall have competence of deciding, *inter alia*, on:
 - (a) family disputes;
 - (b) traditional feuds;
 - (c) marriage suits; and
 - (d) Local administrative cases.
- (3) The membership of the “A” or Chief Court shall comprise of:-
 - (a) The Chief, as Chairperson; and
 - (b) The Sub-Chiefs, as members.
- (4) The Chairperson of the “A” or Chief Court shall be answerable to the Head Chief for the performance of the Court.
- (5) The “A” or Chief shall be responsible for the administration of the “A” or Chief Court.
- (6) Decisions of the “A” or Chief Court shall be appealed against to the “B” or Regional Court, as the case may be.

Section 102. The Town Bench Courts

- (1) There shall be established in each Town Council two types of Town Bench Courts:-
 - (a) one Town Bench with the competences of the “B” or Regional Court; and
 - (b) Town Bench Courts, in each Quarter Council with the competences of the “A” or Chief Court.
- (2) Appeals against the decisions of the Town Bench Courts shall lie to the County Court Judge of First Grade.
- (3) The Town Bench Courts shall have the competence to decide, *inter alia*, on:-
 - (a) administrative cases;
 - (b) customary civil suits;
 - (c) rates, excise and other service provision related disputes; and
 - (d) public order cases.

Section 103. Independence of the Customary Law Courts

- (1) The Chairpersons and Members of the Customary Law Courts shall be independent in the performance of their functions and duties and shall serve justice without interference, fear or favour.
- (2) The tenure of office for the Chairpersons and members of the Customary Law Courts shall not be affected by their decisions, except in case of gross violation of the provisions of this Act or any other applicable law or regulations.

Section 104. Immunity of Chairpersons and Members of Customary Law Courts

- (1) The Chairpersons and members of the Customary Law Courts shall be immune from any criminal proceedings and shall not be charged with an offence in any court of law during his or her term of office, except where he or she is caught committing an offence for which the police may arrest without a warrant.
- (2) Without prejudice to the generality of subsection (1) above, a Chairperson or Member of a Customary Law Court may be charged before a competent court of law following prescribed procedures to waive his or her immunity in accordance with the provisions of this Act and any other applicable law or regulations.
- (3) In case a Chairperson or a member of a Customary Law Court is charged with a serious offence, the County Commissioner, Mayor or Town Clerk, as the case may be, may waive the immunity of the Chairperson or member concerned.

Section 105. Procedures for Election or Selection of Chiefs

- (1) Prior to election or selection of a Chief, the County Commissioner, Mayor or Town Clerk, as the case may be, shall in writing, appoint the County Court judge to preside over a committee for the selection of the Chiefs.
- (2) In its proceedings, the Committee shall receive the names of the candidates together with the necessary documents.
- (3) The committee shall after conducting the elections, or supervising the selection, submit the name of the successful candidate to the County Commissioner, Mayor or Town Clerk, as the case may be.
- (4) The Commissioner, Mayor or Town Clerk shall upon receipt of the report appoint the Chief and request the President of the High Court to confer judicial powers upon the Chief, as the case may be.
- (5) The Head Chiefs shall be elected by the Chiefs and sub-chiefs.

- (6) The Paramount Chiefs shall be elected by the Head chiefs and chiefs.

Section 106. Terms and Conditions of Service of the Chairpersons and Members of the Customary Law Courts

- (1) The terms and conditions of service of the Chairpersons and members of the Customary Law Courts shall be determined in accordance with the Public Service Law, Rules and Regulations.
- (2) The powers to discipline and remove the Chairpersons and members of the Customary Law Courts shall be exercised by the Customary Law Council and assented to by the County Commissioner, Mayor or Town Clerk, as the case may be.
- (3) Notwithstanding the provisions of sub-sections (1) and (2) above, a Chairperson or a member of a Customary Law Court may be removed by the County Commissioner, Mayor or Town Clerk, as the case may be, for gross misconduct, incompetence or incapacitation and on the recommendation of the Customary Law Council.

CHAPTER XI

COMMUNITY AND LOCAL GOVERNMENT

Section 107. The Community

- (1) Community is the basic organization of Government in the Society.
- (2) The Community shall comprise of clans, neighbourhoods and families who reside within the territorial area of a Local Government Council.
- (3) Each community shall have the right to organize its local institution of governance, protect and promote the welfare of its people in accordance with the provisions of this Act and the customary law.

Section 108. The Clan and Family

- (1) The clan or neighbourhood shall be the family tree of all the families residing in the villages of a Boma or the residential areas of a Quarter Council.
- (2) The Headman shall be the head of the clan or neighbourhood and shall:-

- (a) perform administrative functions of the clan or neighbourhood and resolution of family disputes; and
 - (b) protect family rights.
- (3) The family is the fundamental and natural unit of a society which shall be protected in accordance with the provisions of this Act.
- (4) Every person of marriageable age shall have the right to:-
 - (a) marry a person of the opposite sex; and
 - (b) found a family according to his or her family traditions and customs.
- (5) No marriage shall be entered into without the free will and consent of the man and woman intending to marry with the guidance of thier respective parents.
- (6) Every family shall:-
 - (a) be responsible for the proper care and welfare of its members; and
 - (b) protect parental and child rights within the family as provided for in this Act.
- (7) Notwithstanding the provisions of subsection (6) above:-
 - (a) it shall be the right and duty of parents to care for their children and they shall be responsible for their safe upbringing;
 - (b) a child shall not be separated from his or her parent or a person who is legally entitled to care for him or her, except as provided for under the law; and
 - (c) the Community shall have a right to expose and take legal measures against violation of child rights by a parent or any authorized person caring for the child.
- (8) Every Local Government Council shall promote the welfare of the family and legislate for its protection.

Section 109. Gender in the Community

- (1) The burden of family care within the community shall be a shared responsibility between both parents.
- (2) Men and women shall work together in the development of their communities.

- (3) The Local Government Councils shall legislate against idleness among men and women in the community.
- (4) All Local Government Councils shall ensure that men and women have access to justice and services in their families, communities and before the courts of law.

Section 110. Rights of Women

- (1) Women shall be accorded full and equal dignity of the person with men.
- (2) Women shall have the right to equal pay for equal work and other related benefits with men.
- (3) Women shall have the right to participate equally with men in public life.
- (4) All Local Government Councils shall:–
 - (a) promote women participation in public life and enforce their representation in the Legislative and Executive organs by at least twenty- five per cent as an affirmative action to redress imbalances created by history, customs and traditions;
 - (b) enact legislations to combat harmful customs and traditions which undermine the dignity and status of women; and
 - (c) provide maternity, child and medical care for pregnant and lactating women.
- (5) Women shall have the right to own property and share in the estate of their deceased husbands together with any surviving legal heirs of the deceased.

Section 111. Rights of the Child

- (1) For the purpose of this Act, a child is any person below the age of eighteen years.
- (2) Every child has the right:–
 - (a) to life, survival and development;
 - (b) to a name and nationality;
 - (c) to know and be cared for by his or her parents or legal guardian;
 - (d) not to be subjected to exploitation or to perform work which may be hazardous or harmful to his or her education, health or wellbeing;
 - (e) to be free from any form of discrimination;

- (f) to be free from corporal punishment and cruel and inhuman treatment by any person including parents, school administrations and other institutions;
 - (g) not to be subjected to negative and harmful cultural practices which affect his or her health, welfare and dignity; and
 - (h) to be protected from abduction and trafficking.
- (3) In all actions concerning a child undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interest of the child.
 - (4) All Local Government Councils shall accord special protection to orphans and other vulnerable children.
 - (5) Child adoption shall be regulated by customary law and any other applicable law.

CHAPTER XII

THE TRADITIONAL AUTHORITIES OF SOUTHERN SUDAN

Section 112. Status of Traditional Authorities

- (1) The Traditional Authorities shall be institutions of traditional system of governance at the State and Local Government levels which shall:-
 - (a) be semi-autonomous authorities at the State and local government levels;
 - (b) administer customary law and justice in the customary law courts in accordance with the provisions of this Act and any other applicable law; and
 - (c) exercise deconcentrated powers in the performance of executive functions at the local government levels within their respective jurisdictions.
- (2) In the exercise of the delegated and/or deconcentrated powers, the Traditional Authorities shall observe, respect and adhere to the Act of Rights as enshrined in the Comprehensive Peace Agreement, the National, Southern Sudan and State Constitutions.

Section 113. Types of Traditional Authority

- (1) There shall be two types of Traditional Authority in Southern Sudan:-

- (a) Kingdoms with centralised monarchical systems of rule, whose institutions shall perform local government functions while maintaining their status as the institutions of the kingdoms concerned, in given States of Southern Sudan covering the territorial areas of one or more counties. The Kingdoms are divided into:-
 - (i) chieftainships;
 - (ii) sub-chieftainships; and
 - (iii) headman-ships.
 - (b) Chiefdoms with decentralised system of rule, which shall perform traditional and local government functions covering the territorial area of counties where the traditional authorities are organized on the basis of lineages and clans which are divided into:-
 - (i) sub-chieftainships; and
 - (ii) headman-ships.
- (2) Whereas kingdoms are recognised as self existing traditional systems, chiefdoms shall be established in accordance with the provisions of this Act and regulations.

Section 114. Establishment of Chiefdoms

- (1) There shall be established in each County and Town Council, Chiefdoms, which shall be the traditional community authority through which the people shall rule themselves.
- (2) The Chiefdoms shall be decentralised into chieftainships, which shall be autonomous within the County or Town Council, in which the people shall organize their traditional institutions of governance and choose their leaders to administer themselves.
- (3) The territories and boundaries of the Chiefdoms shall be determined and demarcated by local legislation and regulations there under.
- (4) The seat of each Chiefdom shall be in the administrative headquarters of the local government unit concerned.

Section 115. Types and Composition of Decentralized Chiefdoms

- (1) A decentralised chiefdom shall be divided into three types of chieftainships as follows:-

- (a) Paramount Chieftainship;
 - (b) Head Chieftainship; and
 - (c) Executive Chieftainship.
- (2) The Paramount Chieftainship shall comprise of:-
 - (a) The Paramount Chief as the head; and
 - (b) all the Head Chiefs of the Chieftainships.
- (3) Head Chieftainships shall comprise of:-
 - (a) The Head Chief as the head of the Chieftainship; and
 - (b) The Executive Chiefs of the Chieftainship.
- (4) Executive Chieftainships shall comprise of:-
 - (a) The Executive Chief as the head;
 - (b) Sub-Chiefs of the Chieftainship; and
 - (c) where there are two or more Chieftainships in a Boma, the most senior chief shall be the head of the Chieftainship.
- (5) The powers, functions and duties of the Paramount, Head and Executive Chieftainships shall be determined by local legislation and regulations

Section 116. Criteria for the Establishment of Chieftainships

- (1) A decentralized Executive Chieftainship shall be established on the following basis:-
 - (a) a Headmanship with a population of two hundred and fifty to three hundred people;
 - (b) a Sub-Chieftaincy consisting of five to six Headmanships with a population of one thousand two hundred and fifty to one thousand five hundred people;
 - (c) an Executive Chieftainship consisting of five to six Sub-Chieftainships with a population of six thousand two hundred and fifty to nine thousand people;

- (d) A Head Chieftainship consisting of five to six Executive Chieftainships;
and
 - (e) A Paramount Chieftainship consisting of five to six Head Chieftainships.
- (2) All the existing decentralized Chieftainships shall be re-organized in accordance with the criteria set forth in this section.

Section 117. Election or Selection of Chiefs

- (1) Chiefs shall be elected according to conventional electoral system or selected according to traditional practices as the case may be.
- (2) The Paramount Chief shall be elected by all the Chiefs including the Head Chiefs and Executive Chiefs, in the County.
- (3) The Head Chief shall be elected by the Executive Chiefs and Sub-Chiefs in his or her jurisdiction.
- (4) The Executive Chief shall be elected by the Sub-Chiefs and all the people, including women who are eligible to vote in his or her jurisdiction.
- (5) All the selected Chiefs whose Chieftainships constitute the institutions of governance of Kingdoms shall assume offices according to their customs and practices save that, such custom and practices shall be in conformity with the provisions of this Act and any other applicable law.

Section 118. Immunity of Kings and Chiefs

- (1) A King and a Chief shall be immune from any criminal proceedings and shall not be charged with an offence in any court of law during his or her term of office, except where he or she is caught committing an offence for which the police may arrest without a warrant.
- (2) Without prejudice to the generality of subsection (1) above, a King or Chief may be charged before a competent court of law following prescribed procedure to waive his or her immunity in accordance with the provisions of this Act and any other applicable law or regulations.
- (3) In case a King or Chief is charged with a serious crime, the Governor, in the case of a King and the County Commissioner in the case of a Chief, may waive the immunity of the King or Chief concerned, as the case may be.

Section 119. Councils of Traditional Authority Leaders

- (1) Pursuant to the provisions of Article 175 (2) of the Constitution, there shall be established in:–
 - (a) Southern Sudan, a Council to be known as “the Council of Traditional Authority Leaders; and
 - (b) Each State of Southern Sudan, a State Council of Traditional Authority Leaders whose composition, functions and duties shall be determined by relevant State legislation.
- (2) Pursuant to the provisions of Article 5 of the Constitution, the Council of Traditional Authority Leaders shall be the custodian of the customs and traditions of the people of Southern Sudan as a source of legislation.

Section 120. Composition of the Southern Sudan Council of Traditional Authority Leaders

The Council of Traditional Authority Leaders shall be composed of forty five members as follows:–

- (a) Four elected representatives of each State Council of Traditional Authority Leaders, at least one of whom shall be a woman; and
- (b) Five members appointed by the President after consultation with the relevant authorities.

Section 121. Functions and Duties of the Southern Sudan Council of Traditional Authority Leaders

- (1) The functions and duties of the Southern Sudan Council of Traditional Authority Leaders shall be, but not limited to:–
 - (a) provide a forum for dialogue with all levels of government on matters of customs and traditions of the people of Southern Sudan;
 - (b) intervene to resolve inter-tribal disputes by applying customary and traditional conflict resolution mechanisms;
 - (c) foster peace building and resolution of conflicts through mediation and other conciliatory mechanisms;
 - (d) advise all levels of Government on matters of traditions and customs of the people of Southern Sudan; and

- (e) perform other functions and duties as provided for in this Act or any other applicable law or regulations.
- (2) The duties of the Council of Traditional Authority Leaders shall be, but not limited to:-
- (a) organize regular sessions of dialogue with stakeholders on customs and traditions;
 - (b) initiate, establish and disseminate processes and traditional conflict resolution mechanisms for interventions in the settlement of inter-tribal disputes; and
 - (c) establish, promote and maintain linkages and peaceful co-existence with all traditional leaders and nationalities across Southern Sudan.

CHAPTER XIII

INTER-GOVERNMENTAL LINKAGES

Section 122. Decentralised Local Government Institutions

Local Government in Southern Sudan shall be based on a decentralized system of Governance, where the Local Government institutions are hierarchically patterned constitutionally into three levels of Government, at the Government of Southern Sudan, State and the Local Government Councils.

Section 123. The Local Government Board

- (1) The Local Government Board is established in accordance with the provisions of Article 173 (3) of the Constitution.
- (2) Without prejudice to the provisions of sub-section (1) above, and for the initial establishment of the local government system in Southern Sudan as provided for by Article 173(2) of the Interim Constitution of Southern Sudan, 2005, the Board may from time to time be assigned mandatory executive functions and powers for discharge of local government affairs, as the case may be:-
 - (a) to review and formulate Local Government policies and legal frameworks; and
 - (b) to recommend and coordinate the establishment of minimum standards and uniform norms for service delivery in accordance with the provisions of Schedules B (9), C and D, read together with Schedule E, of the Constitution.

Section 124. Functions and Duties of the Local Government Board

- (1) In addition to the functions and duties provided under section 123 above, the Local Government Board shall have the following functions and duties:-
 - (a) make recommendations for organisation and establishment of Local Government Council;
 - (b) recommend to the President the formation of a High Level Technical Committee, for the creation and establishment of Local Government Councils in the ten States of Southern Sudan in accordance with the criteria set forth in Article 173 (4) of the Constitution;
 - (c) prepare Warrants of Establishment showing the status, administrative jurisdiction and the boundary of each Local Government Council for signature by the President;
 - (d) review and recommend on the performance and administration of local government affairs of each Local Government Council in consultation with State Governments and report its findings to the State Governors and the President for consideration; and
 - (e) research and recommend the development of relevant concepts, principles and workable policy framework of local government.
- (2) The Local Government Board may upon the directives of the President prepare administrative circulars to regulate the status, conditions and quality of services being delivered to the people in order to:-
 - (a) determine the appropriate transitional arrangements and mechanisms for the smooth transformation of the existing Local Government Councils from their current rudimentary stages to integrated modern local authorities;
 - (b) promote the adoption of relevant models for local government planning, resource mobilization and management, service delivery and local development programmes;
 - (c) set national standards for recruitment, training, management and performance appraisal of the Local Government staff;
 - (d) review local government financial resources and recommend relevant models for grants allocation and disbursement; and
 - (e) recommend the adoption of common norms and values to orient local government administration to be more responsive to the people in service delivery.

- (3) The Local Government Board shall assist in the coordination of the local government affairs through:-
- (a) the establishment of good inter-governmental linkages to harmonise the working relationships between the People's Local Government Councils and government institutions at the State and Government of Southern Sudan levels; and
 - (b) the development of model local government programmes for service delivery at the local levels which may be adopted for implementation by the State Ministries of Local Government and the Local Government Councils.

Section 125. State Ministry of Local Government and Law Enforcement

A State Ministry of Local Government and Law Enforcement shall have the responsibility for the functional organization of Local Government operations as follows:-

- (a) make sectoral policies to guide the functional organisation of Local Government Councils in order to harmonise the State and Local Government plans and programmes;
- (b) develop State framework for effective coordination of Local Government Councils affairs between the State Ministries and Local Authorities and between the Local Authorities and Local Community institutions;
- (c) organize State periodic transfers of Local Government Administrative Officers and departmental senior staff in accordance with Local Government Board guidelines;
- (d) organize State financial schedules for periodic disbursement of grants from the State Treasury and making similar arrangements for the internal and external audit of the Local Authorities accounts;
- (e) establish inter-county fora to foster relations between the local authorities, civil society organisations and the private sector in service delivery;
- (f) organize field visits to the Local Government Councils to inspect, monitor, appraise and evaluate their operations, staff performance, service delivery and progress in local development projects;

- (g) adopt human resource management systems through which Local Government staff shall be effectively supervised and disciplined in accordance with the provisions of Public Service Law, rules and regulations; and
- (h) mobilise and sensitise the local population for participation in national, Southern Sudan, State and local functions.

Section 126. Relations in the Administration of Decentralized Systems

- (1) In the administration of the decentralized system of governance in the Local Government, the following principles of inter-governmental linkages shall be observed:-
 - (a) the linkages between the Government of Southern Sudan and the Local Government shall be through the relevant State Government organs or institutions;
 - (b) in their relationships with each other or with other governments, all levels of government in Southern Sudan referred to in Article 50 of the Constitution shall observe the following:-
 - (i) respect each other's powers and competences;
 - (ii) collaborate in the task of governing; and
 - (iii) assist each other in fulfilling their constitutional obligations.
 - (c) the Government organs at all levels of Government referred to in subsection (1)(b) above, shall perform their functions and exercise their powers so as to:-
 - (i) avoid encroaching on or assume powers or functions conferred upon any other level except as provided for by this Act and the Constitution;
 - (ii) promote cooperation in rendering assistance to support each other's level of government;
 - (iii) coordinate each others functional activities and communication systems so as to facilitate the operations of all levels of government;
 - (iv) promote the spirit of peace and peaceful co-existence in handling and dealing with local government matters;
 - (v) resolve disputes and conflicts amicably among each other and other levels of government; and
 - (vi) respect the status and institutions of government of each other at all levels of Government.

- (2) The Government of Southern Sudan and the State Governments shall develop relations and mechanisms to nurture the Local Government Councils during their growth to maturity.

Section 127. Inter-Council Linkages

Any two or more Local Government Councils may develop, through mutual understanding, coordinative mechanisms to enhance inter-Council co-operation for joint service delivery and local development ventures.

Section 128. Internal Boarder Linkages

- (1) All Local Government Councils shall maintain good boarder relations with their sister Councils and to foster good inter-council linkages within their State.
- (2) Any two or more Councils which have boarder disputes within their State such as Council boundaries, grazing areas and water points shall:-
 - (a) settle any such disputes amicably among themselves through the involvement of the Traditional Authorities and the use of traditional conflict resolution mechanisms; and
 - (b) where the contesting parties fail to resolve their dispute amicably they shall, raise the matter to the State Authorities to constitute a special tribunal to mediate or make decision, as the case may be.
- (3) Where the boarder dispute involves two or more Councils in two neighbouring States, the aggrieved Council shall raise the matter to its State Authorities which shall seek audience of the neighbouring State to find ways and means of resolving the dispute.
- (4) Where the contesting States fail to resolve the dispute, any aggrieved State may raise the issue in dispute to the Local Government Board for consideration.
- (5) In case any of the States is dissatisfied with the decision of the Local Government Board, the Board shall refer the matter to the President whose decision shall be final and binding.

Section 129. External Boarder Linkages

- (1) All Local Government Councils bordering neighbouring countries shall maintain and promote good neighbourhood relations for peaceful co-existence

and with the consent of the State concerned and the knowledge of the Government of Southern Sudan, shall:-

- (a) in mutual agreement with counterpart authorities across the international borders, arrange to hold regular border meetings and conferences to discuss matters relating to border crossing, trade, security, social and cultural affairs and cross-cutting issues of local and national concerns;
- (b) permit free movement of people and goods across the borders as provided for by law;
- (c) prohibit smuggling and trafficking of goods, humans, animals, drugs, arms and any other harmful substances, across the borders as provided for by law;
- (d) prevent any bad and pervasive or unacceptable social and cultural practices across the borders from spilling over to any part of Southern Sudan; and
- (e) encourage development of positive attitudes across the borders, towards settlement of disputes arising, among others, from:-
 - (i) traditional boundaries along the international borders;
 - (ii) cross border family misunderstandings; and
 - (iii) cross border land use, grazing areas and water points;

in-order to harmonize and build better neighbourhood relationships with the people in the neighbouring countries.

- (2) In the event of a boarder dispute arising between two or more Local Government Authorities and their neighbouring authorities across the international boundaries, the parties concerned shall:-
 - (a) dialogue among themselves using their traditional and statutory systems to resolve the matter amicably; or
 - (b) raise the matter to their respective higher authorities to find ways and means of resolving the matter through the use of international mechanisms while maintaining the dialogue locally.
- (3) Notwithstanding the provisions of this section, the County Commissioner shall assume full responsibility of managing any emerging situation in self-restrain on daily basis while reporting to the State authorities and awaiting further directives.

CHAPTER XIV EXTRA-GOVERNMENTAL LINKAGES

Section 130. Linkages with Local Government Associations

- (1) Local Government Associations may be established in Southern Sudan as non-governmental organizations.
- (2) The Local Government Associations may relate to all levels of Government, advocate and solicit support for local governments locally, nationally, regionally and internationally.
- (3) The Local Government Associations shall relate to the Local Government Councils as stakeholders who voluntarily undertake to:-
 - (a) uphold the provisions of this Act and the principles guiding the Local Government in order to defend the interests of the people against any violation of constitutional right;
 - (b) dialogue with the Government of Southern Sudan and the State Governments for fair and equitable allocation and distribution of resources to the Local Government Councils;
 - (c) support the efforts of all levels of government that are geared towards resource mobilization with the aim of providing the Local Government Councils with technical, material and financial assistance; and
 - (d) represent local government interests in local, State, national and international fora, where local government matters are discussed.

Section 131. Linkages with the Union of Local Government Administrative Officers

- (1) There shall be established in Southern Sudan, a Union of Local Government Administrative Officers, which shall be a professional organization of all local government administrative officers, serving at all levels of government.
- (2) The Union of Local Government Administrative Officers shall be officially registered as a professional association in accordance with the law.

Section 132. Public - Private Sector Linkages

- (1) Any Local Government Council may maintain public-private sector linkages through which non-governmental organizations, community based organizations and the private sector institutions may deal with the Local Council Authorities in service delivery.

- (2) A council may enter into partnership with any organization or private sector institution to produce or provide public service to the people and regulate the process thereof.
- (3) The terms and conditions of partnership between the parties shall be determined in accordance with the provisions of Partnership and Contract Laws.
- (4) All non-governmental organizations in partnership with the Local Government Councils shall be registered with the relevant government institution and abide by values, norms and best practices of the business.

Section 133. Linkages with International Agencies and Organizations

- (1) The Local Government, as a level of Government closest to the people, may seek support from international agencies and organizations for funding and implementation of its programmes and projects.
- (2) International agencies with specific mandates shall conclude Co-operation Agreements to work in collaboration with the specific Local Government Councils, in whose jurisdiction they plan to work on agreed programme activities.
- (3) The agreed programme activities, to be implemented, shall be in conformity with the priorities of the Council as stipulated in the approved Council Plan.
- (4) Partnership agreements may be concluded with Sectoral Ministries supported by international agencies to provide primary services at the local government level.
- (5) Any other form of agreement may be concluded through which Local Councils may be supported.

**CHAPTER XV
MISCELLANEOUS PROVISIONS**

Section 134. Local Government Taxes, Fees and Charges

The Local Government taxes, fees and charges shall be determined by each Local Government Council in consultation with the State Authorities and the Local Government Board.

Section 135. Rules and Regulations:-

- (1)** The President shall issue an order establishing a committee(s) and set necessary rules and regulations for conducting elections at the Local Government level.
 - (2)** The Local Government Board shall with the consent of the President, issue rules and regulations for efficient and effective implementation of the provisions of this Act.
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APPENDIX I

CRITERIA FOR CREATION OF LOCAL GOVERNMENT COUNCILS AS CORPORATE BODIES

1. A County Council shall be created on the following basis:-
 - (a) the size of a population of (70,000-100,000); economic viability (35%-45%) of total annual budget; common interest of the communities (consideration of minority or majority ethnic group cases as may be decided by the Southern Sudan Legislative Assembly; and administrative convenience) and effectiveness (organizational ability and ease in territorial coverage and communication access);
 - (b) The Boma as the Basic Administrative Unit of the County shall have a population of (5,000-10,000 people);
 - (c) about (3-4) Bomas shall constitute a Payam; and
 - (d) about (3-4) Payams shall constitute a County.
2. A City Council shall be created on the following basis:-
 - (a) the size of the population (200,000-500,000) economic viability (75%-100%) of total annual budget; common interest of the communities; (political decision) administrative convenience and effectiveness (strategic location);
 - (b) the Quarter Council of the City may have (20,000-25,000 people);
 - (c) four (4) Quarter Councils shall constitute a Block Council; and
 - (d) about (4-5) Block Councils constitute a City Council.
3. A Municipal Council shall be created on the following basis:-
 - (a) Size of population (100,000-300,000) people;
 - (b) economic viability (63%-75%) of total annual budget;
 - (c) common interest of the communities (based on growth potential) administrative convenience and effectiveness (capacity of a growing Block Councils to assume the status of separate Municipal Councils);
 - (d) The Quarter Council of a Municipality may have a population of (20,000-25,000 people);
 - (e) four (4) Quarter Councils shall constitute a Block Council; and

- (f) about (4-5) Block Councils shall constitute a Municipality.
- 4. A town Council shall be created on the following basis:-
 - (a) the size of population (50,000-100,000); economic viability (55%-65%) of total annual budget; common interest of communities (based on growth potential; and the administrative convenience and effectiveness (capacity of a growing rural centre to successfully manage the local council as an authority with potential to assume the status of a Town Council.
 - (b) the Quarter Council of a Township shall have a population of (5,000-10,000 people); and
 - (c) about (5) Quarter Councils shall constitute a Town Council.

APPENDIX II

SCHEDULE I

POWERS OF A LOCAL GOVERNMENT COUNCIL

Subject to the provisions of the Interim Constitution of Southern Sudan, the executive and legislative powers of a Local Government Council shall be as follows:-

1. The upholding, protection and enforcement of the provisions of this Act, in conformity with the Constitutions of the State and Southern Sudan;
2. Provision of basic services;
3. Regulation of Local Government, information, publications and media;
4. The regulation of social welfare including Council pensions;
5. The management of Civil Service at the Local Government level;
6. The coordination of Customary Courts and administration of justice at the Local Government level;
7. Regulation, administration and protection of Local Government Council Land and Natural Resources;
8. Acquisition of land from the relevant authority for use for service provision and development;
9. Observing, harmonizing and promoting cultural activities within the Local Government Council;
10. Internal borrowing on the sole credit worthiness of the Local Government Council within the Government of Southern Sudan macro-economic framework;
11. The establishment tenure, appointment, and payment of Local Government employees, and the supervision of Local Government officers and seconded staff;
12. The management, leasing and utilization of lands belonging to the Local Government Council;
13. The establishment, maintenance and management of community juvenile delinquency centres and institutions;

14. The establishment, regulation, and provision of primary health care;
15. Regulation of businesses trade licenses, working conditions, hours, and local holidays within the Local Government Council;
16. Local works and undertakings;
17. Registration of marriages, divorces, inheritance, births, deaths, adoption and affiliation.
18. Enforcement of national, Southern Sudan and State laws;
19. Enforcement of By-Laws enacted under the customary law;
20. The development, conservation and management of the Local Government Council natural and forestry resources;
21. The establishment and management of primary education institutions;
22. Support in maintenance of Airfields other than international airports within Civil Aviation Regulations;
23. Inter Council public transport and roads;
24. The management of the Local Government Council statistics and survey works;
25. The regulation of charities and endowments;
26. Quarrying regulations;
27. Town and rural planning;
28. The regulation and management of cultural and heritage sites, libraries, museums, and other historical sites;
29. The management of the Local Government Council finances;
30. The regulation and management of irrigation and embankments;
31. The management of archives antiquities, and monuments;
32. Direct and indirect taxation within the Local Government Council Area in order to raise revenue for the Local Government Council;
33. The management of the Local Government Council's public utilities;
34. The management of fire fighting and ambulance services;
35. The management of recreation and sport facilities within the Council; and
36. The protection of Governments flags and emblems.

SCHEDULE II

CONCURRENT POWERS

Subject to the Provisions of the Interim Constitution of Southern Sudan, the Government of Southern Sudan, State Governments and Local Governments shall have legislative and executive competencies on any of the matters listed below:–

1. Local economic and social development in the Local Council;
2. Legal matters of professions and affiliate organizations and associations;
3. Primary and secondary education and vocational training;
4. Public health policy; regulation and management;
5. Urban development planning and management;
6. Trade, commerce, industry and industrial development;
7. Delivery of primary and secondary services;

8. Bankruptcy and insolvency;
9. Cottage and service industry licensing;
10. Feeder airfields management;
11. River Tributary transport development and management;
12. Disaster preparedness and epidemics control management;
13. Traffic regulation and management;
14. Electricity generation, electric and water supply and waste management;
15. Information, publications, media, broadcasting and local telecommunications network management;
16. Environmental protection, conservation and management;
17. Relief, repatriation, resettlement, rehabilitation and reconstruction;
18. Local Government financial, economic and planning policies;
19. Community, Women, Youth empowerment management;
20. Local Government Gender policy;
21. Pastures, veterinary services, animal and livestock disease control and management;
22. Regulation and management of consumer safety and protection;
23. Residual powers, subject to Schedule 3;
24. Population policy and family planning;
25. Pollution;
26. Regulation, protection and management of mother and child care;
27. Regulation, protection and control of Council and inter-Council Water Resources;
28. Notwithstanding Schedule 1, such matters relating to taxation; royalties and economic planning;
29. Southern Sudan and state courts responsible for enforcing or applying National laws in the case of the principle of subsidiarity;
30. Such matters relating to taxation, royalties and economic planning as a matter or matter in regard to which the Local Government may be accorded concurrent authority;
31. Regulation and management of human and animal drug quality control;
32. Regulation of land tenure system, usage and exercise of rights in land; and
33. Firearms licensing.

SCHEDULE III

RESIDUAL POWERS

The residual powers shall be dealt with according to the matter if the powers pertain to a State matter, requires State standards, or is a matter which cannot be regulated by a single Local Government Council, it shall be exercised by the State Government and if the powers pertain to a matter that is usually exercised by the Local Government, where a matter is susceptible to Southern Sudan or State regulation, in respect of the Local Government Councils it shall be exercised by the Government of Southern Sudan.

SCHEDULE IV

Resolution of Conflicts in Respect of Concurrent Powers

- (1) The need to recognize the Sovereignty of the Nation while accommodating the autonomy of Southern Sudan, the States and Local Government Councils.
- (2) Whether there is a need for Southern Sudan or State norms and standards.
- (3) The principle of subsidiarity.
- (4) The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.

APPENDIX III

LOCAL GOVERNMENT FUNCTIONS

Part I

Finance and Economic Development

1. Preparing the economic and social plans of the Council.
2. Preparing, keeping and organizing statistical records of all the economic, development and service activities of the Council.
3. Promoting and encouraging investment, and facilitating the business of investors, in accordance with the laws in force.
4. Encouraging the self-help and charitable projects, and the business of charitable and voluntary societies.
5. Organizing markets and places of sales.
6. Spreading awareness among citizens of the approved economic and social programmes.

7. Organizing the trade activities, by granting the necessary licences for all types of trades in the Council.
8. Conducting such studies and researches which may target development of the Council and increases its resources thereof.
9. Preparing the estimates of the revenues and expenditure for the Council annual budget.
10. Controlling the public funds, closing the Council accounts at specified dates and presenting the final statement of the accounts to the Council.
11. Advertising and approving tenders of the Council.
12. Assessing and re-assessing rates.
13. Monitoring weights and measures and controlling markets.
14. Caring for and organizing exhibitions in the Council.

Part II

Legislation and Legal Affairs

1. Preparing and promulgating Local Orders and regulations and all the legislative measures necessary for execution.
2. Making the internal regulations organizing the business of the Council, the committees and specialized departments.
3. Establishment of rate, public health and public order courts.
4. Following up the executory procedure of the legal obligations, relating to the Council affairs, such as agreements and contracts.

Part III

Public Works

1. Establishment and maintenance of water drainages and potable water facilities in the Council.
2. Establishing public guest houses, tree planting projects in recreational parks and public squares.
3. Lighting of public roads, squares and public spaces.
4. Encouraging people's contribution to the establishment of paved roads.
5. Maintaining feeder roads of the Council.
6. Specifying the places of public ferry and harbours, in co-ordination with the competent bodies, and organizing the public parks as centres for public means of transport.
7. Organizing animals tethering places and pounds of stray animals.
8. Organization of urban buildings, the issuance of building permits, supervision of buildings and the issuance of completion certificates and combating haphazard buildings.
9. Recommending land plans for housing, agricultural, industrial and investment purposes, in accordance with the Council master plan.

Part IV

Health

1. Laying down plans and preparing and executing projects for the promotion of environmental health.
2. Supervising potable water, and ascertaining the wholesomeness' securing the sources and prevention of the pollution thereof,
3. Combating breeding of mosquitoes and flies and otherwise of pests and harmful insects.
4. Undertake public cleaning and disposal of refuse, human and animal's solid wastes and remains of agriculture and industry, for prevention of pollution of the environment.
5. Establishing public toilets, and laying down the rules for using and monitoring the same, and specifications for private toilets.
6. Health supervision of houses and industrial facilities, and monitoring the execution thereof, in accordance with the health specifications of buildings.
7. Establishment and management of slaughter houses of local slaughtered animals
8. Fencing, lighting and organizing cemeteries.
9. Supervision of food and drinking places and regulate such places by issuing licences and guarantee periodic examination to ensure health safety.
10. Disseminating health awareness among the citizens by all means including HIV/AIDS.
11. Nominating midwives for training and follow- up of the performance thereof.
12. Enforcing the combat of endemic and epidemic diseases, in accordance with the declared plans.
13. Establishing centres of primary health care units, and centres, and establishing mobile treatment units in nomadic areas.
14. Report and contain outbreak of epidemic diseases and disasters and participate in its management.
15. Regulating and guiding the civil society organizations providing health services.

Part V

Education

1. Establishment and management of the basic schools.
2. Establishment and management of adult education classes to eradicate illiteracy.
3. Organizing kindergarten and nursery schools.
4. Recommend the establishment of secondary schools.
5. Co-ordinating between parents councils in the Council.
6. Promote and insure implementation of education policies at Local Government level.
7. Document and recommend to relevant bodies issues that affect education specially in the areas of child rights and girl education.
8. Carry out any other relevant matters assigned to it by the chairperson.

Part VI

Agriculture, Natural Resources and Animal Wealth

1. Participating in the programmes of conservation and protection of natural resources, as a security of the most ideal and sustainable use.
2. Caring for forests and encouraging planting of trees.
3. Establishing fire brakes.
4. Contributing to the control of harmful agricultural pests.
5. Specifying, care for and enhancement of places of pasture and watering points and stations, in co-ordination with the competent bodies.
6. Specifying the routes of animals inside agricultural lands.
7. Encouraging agricultural co-operatives.
8. Promoting agricultural activities of the council in cooperation with the concerned bodies and disseminating agricultural information to farmers in the Council.
9. Production of agricultural statistics.
10. Facilitating irrigation facilities, and drainage and storage of water necessary for irrigation of agricultural lands, in co-ordination with the competent bodies.
11. Establishment and Management of mobile veterinary dispensaries and dressing stations.
12. Dissemination of awareness concerning rearing and inoculation of animals against diseases.
13. Promotion and enhancement of animal breeds.
14. Promoting the establishment of cattle, poultry and fish farming projects.
15. Licensing domestic animals, inoculating them against diseases and eliminating harmful and stray animals.

Part VII

Social and cultural Affairs

1. Striving to lessen the stamp of poverty, caring for the old, orphans, widows, and the disabled, and striving to provide means of honourable livelihood for them, in co-ordination with concerned bodies having connection.
2. Celebrating the religious and national occasions.
3. Promoting arts and letters, for raising the standard of citizens and polishing public conduct.
4. Promoting social and cultural change, and applying the methods of social and cultural change, for executing the projects and programmes of sustainable development.
5. Promoting self-help projects and monitoring their progress.
6. Establishing centres for management of juveniles delinquency.
7. Rehabilitating youth, sports and cultural centres.
8. Strengthening the spirit of religious tolerance and mutual interdependence.
9. Establishing public theatres, public libraries, lecture halls, mobile cinema centres as means of exhibition for the development and advancement of the society.
10. Establishing social registers.
11. Organizing collection of donations, aid subsidies for religious, educational, social, cultural, sports and charitable activities.

12. Establishment of Archives and Museums.
13. Collection of Cultural art facts and monuments.

Part VIII

Public Order and Public Security

1. Overseeing public processions and gatherings to maintain public tranquillity.
2. Provision of fire fighting equipments deluges and floods and establishing brigades for fire and protection of facilities.
3. Naming streets, numbering houses, making roads signs and taking any other measures for facilitating safe passage of traffic.
4. Prevention of unauthorised persons from carrying fire arms, dangerous weapons and fire works.
5. Submitting security reports to the higher level.
6. Submitting recommendations, to the competent bodies, with respect to organizing and restricting immigration from neighbouring states and otherwise.

Part IX

Miscellaneous Functions

1. Receiving official visitors.
2. Issuing and authenticating administrative certificates.
3. Providing local database on the activities, institutions and utilities.

Assent of the President of the Government of Southern Sudan

In Accordance with the provision of Article 85 (1) of the Interim Constitution of Southern Sudan, 2005, I, Gen. Salva Kiir Mayardit, President of the Government of Southern Sudan, hereby Assent to the Local Government Act, 2009 and sign it into law.

Signed in Juba this _____ day of the month of _____ in the year 2009

**H.E. Gen. Salva Kiir Mayardit,
President of the Government of Southern Sudan,
Juba/Southern Sudan.**