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PUNTLAND STATE OF SOMALIA

18th/0902003

LAW NO.6 OF 23/8/2006 ON THE LAWS (REGULATIONS) OF THE LOCAL COUNCILS OF PUNTLAND STATE OF SOMALIA

The President

Having seen: The Constitution of the Puntland State of Somalia

Having appreciated: The Importance of the Local Laws of
the Local Councils of the Puntland State of Somalia

Having Considered: The passing of Law No. 6 which is The Council Laws
No. XGG/DGPL/161/2003 of 3rd /09/2003

Having listened to: The views of the Cabinet

He has come up with:

The following Law:

Article 1

The Regulations (laws) of the Local Councils has been Passed

Article 2

Three Original copies will be kept at the Office of the President, that of the
Chief Justice and that of the Secretary of the Council of Representatives.

Article 3

This Law will come into force when the President accented to it and is printed on
the official gazette. This Law will be part of the laws of Puntland which should
be abided by and applied by everyone.

Hon. Mohamed Abdi Hashi

The Vice-President of Puntland State of Somalia
Who is also the acting President



PUNTLAND STATE OF SOMALIA
Ministry of Local Government and Rural Development

LOCAL COUNCIL LAWS (REGULATIONS)
OF PUNTLAND STATE OF SOMALIA

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SECTION 1
General Perspective
Article 1
(Definitions)

- 1.1 **Minister:** is meant by The Minister of Local Government and Rural Development
- 1.2 **Local Government:** An entity in a district or town with legal personality, and with objective stipulated in this law
- 1.3 **Local Councils:** A council with elected members by the local population which administers the local Authority.
- 1.4 **Permanent Committee:** A committees whose members come from the local council and with responsibilities as stipulated in this law.
- 1.5 **Chairman of the Local Council:** the head of the leadership of the Local Council.
- 1.6 **Decision/resolution:** Decision made by the Local Council or the Permanent Committee of the Local Council
- 1.7 **District:** Part of a region with a concentrated population and with a demarcated/specific borders
- 1.8 **The Mayor:** The head of the District Local Authority
- 1.9 **Region:** Part of the Puntland State of Somalia composed of one or more districts.
- 1.10 **The Ministry:** is meant by Ministry of local Government and Rural Development
- 1.11 **Council Resolutions:** A decision made by the Local Council
- 1.12 **Law/rule :** A resolution made within the framework of the law

Article 2

The Structure of the Country

- 2.1 The Puntland Government is classified in to Regions and every region is divided in to Districts and Villages.
- 2.2 The Regions that existed previously that their boundaries were not affected by the creation of the new regions will retain their boundaries, their capital and their names.
- 2.3 The boundaries of the new Regions and Districts and the ones they were curved from will be produced by a presidential decree while considering the relevant Ministry, the endorsement of the Cabinet and that of the local residence of that area and it should be passed by the Parliament
- 2.4 The Districts grading is based on the size of the land it occupies, the population of its residents and its economic resource.

Article 3

The Administration of the Local Government

- 3.1 The administration of the Local Government is based on the principle of self-governance of the people as is evident on Article 83 of the Constitution of Puntland State of Somalia.
- 3.2 The structure of the Local Government is part of the Central Government of Puntland State of Somalia and politically it represents the Ministry of Local Government and Rural Development

Article 4

The Grades of the Local Councils

- 4.1 The Local Councils are classified into grades A and B
- 4.2 The President of Puntland while considering the views of the heads of the Ministry of Local Government and Rural Development has the powers to alter the grades mentioned above when a district is considered to have made a step forward economically or socially.

Article 5

The office tenure and the number of the Area Councillors

5.1 The members of the Local Council will hold office for 4 years as is evident on article 83, number 11 of the Constitution of Puntland State of Somalia.

5.2 Their number will be the number given in the Annex of this Law

Article 6

Consultation

6.1 The Local Councils and the Permanent Committees can invite intellectuals and technical advisers and legal experts to their meetings with no voting powers.

Article 7

The Legal Entity

7.1 The Local Government is a State Agency established to develop the districts, it has legal entity and an independent administration in order to execute the responsibilities which it was formed for and described by this Law.

Article 8

The Overall Protection of the Interest of the Local Government

8.1 The Ministry of the Local Government and Rural Development will shoulder the responsibility of protecting the interest of the Local Authority while at the same time supervises the performance of the Local Councillors, the Permanent Committees and the Executive Committees.

8.2 The District Executive Committee has the powers to propose a new tax increase and table it to the Local Councillors who will either approve or reject it.

SECTION 2

The Role and Responsibility of the Local Government

Article 9

The Objectives and symbols of the Local Government

9.1 General Healthcare and particularly sanitation of the towns and prevention of contagious diseases.

9.2 Establishments of markets both for livestock and commodities.

- 9.3 The evacuation of the people in the event of disasters
- 9.4 Initiation and implementations of projects and programs for social development e.g. in healthcare, economic, education, and etc.
- 9.5 Construction of Primary Schools, Koranic Schools, kindergarten, family development schools and their management.
- 9.6 Construction of Mother and Child Health Centre (MCH centre's)
- 9.7 Promotions and development of literature and sports
- 9.8 Renovation of the road networks in the towns of the district.
- 9.9 Beautification of the towns, villages and development of plans for the towns, districts and villages (Town Plan)
- 9.10 Registration of the people in the district and safe keeping of the records of birth, death, marriage, divorce etc.
- 9.11 Registration of the fixed assets of the inhabitants of the district.
- 9.12 Improvement of burial activities and cemetery
- 9.13 Construction of public houses for the residents of the district.
- 9.14 Organizing and regulating public transport to ferry people within the towns.
- 9.15 Every local government must have a symbol (logo) that can be identified with and it is the prerogative of the Local District Council to choose it.
- 9.16 The Local Council is also responsible to support livestock management, farming, security, water, electricity, communication and protection of the environment.

Article 10

The Departments of the Local Government

The Local Government will have:-

- 10.1 The Department of Public Works,
- 10.2 The Departments of Social Affairs,
- 10.3 The Department of Finance
- 10.4 The Department of Revenue/Tax,
- 10.5 The Department of Supervision and Inspection,
- 10.6 The Districts that can accommodate more departments will forward a request and will be given permission if deemed necessary.

Article 11

The mode and criteria of electing the Local Councillors

- 11.1 Any Puntland citizen who attained the age of 30 years, responsible, of sound mind can be elected as a member of the Local Council.
- 11.2 He/ she should not have previously been convicted in a court of law on treason offence.
- 11.3 He/she must have attained at least a secondary school level of education or equivalent experience.
- 11.4 Only the high court has the legal authority to stop any candidate who has not fulfilled the conditions for the election.

Article 12

The conditions for losing the Local Council Membership

The council membership can be lost if the member:

- 12.1 Dies
- 12.2 Resigns and the council accepts the resignation
- 12.3 Is convicted in a court of law for any crime
- 12.4 If a member of the council loses his/her membership a replacement will be elected as per the above election criteria within 30 days

Article 13

Dissolution of the Local Councils and the Committees

(The power to dissolve the area local council)

- 13.1 The Area Local Councils can be dissolved if all or some of the conditions in paragraphs 2,3 and 4 occur
- 13.2 When majority of the members resign.
- 13.3 When the council is unable to meet two consecutive sessions without any reasons.
- 13.4 When it is confirmed that the council has violated these laws.
- 13.5 When the issue mentioned in numbers paragraphs 2,3 and 4 of this article occur, the President will forward to the Constitutional Court in writing seeking explanation of what led to the issues in paragraphs 2,3 and 4.
- 13.6 If the Constitutional Court confirms the committing of the offences in paragraphs 2,3 and 4 of this article, then it writes to the President informing the same.

13.7 When the President gets the clarification from the court the President will dissolve the Council and calls for an election to elect new members within 45 days.

13.8 The former council will bear office and carry out the duties till when the new council is elected but they are not allowed to come up with a new plan.

Article 14

The Powers of the Local Councils

14.1 To make decisions that are compatible with this law and all other laws of the country that is related to the regulation and execution of the administration.

14.2 Make sure the collection of taxes and revenues and any other duty that this law or any other law gives to the local government or any income that comes from the activities of the local governments.

14.3 Giving recommendation on confiscation of the private properties due to public interest through the approval of the senior authority of the Ministry, while considering the compensations that is mentioned in paragraphs 1 of Article 90 of the Constitution of the Puntland State.

14.4 To supervise and inspect, to ensure the smooth running of the affairs of the Local Council.

14.5 They demote/sack the Mayor and the Deputy Mayor when they are unable to properly execute their duties/responsibilities.

Article 15

Election of the Chairman of the District Committee, Deputy-Chairman and the Permanent Committee

15.1 The Chairman of the Local Council, The Deputy Chairman and the Permanent Committee will be elected from the council members in the first session/meeting of the council as stipulated in the Constitution of Puntland State.

15.2 The Permanent Committee of the Local Council is composed of :

- a) The districts of Grade (A); will be the Chairman of the Local Council and 8 council members

- b) The districts of Grade (B); will be the Chairman of the Local Council and 6 Council members.
- 15.3 Until the election of the Chairman and the Deputy Chairman, the first meeting of the Local Council will be chaired by the oldest member and will be attended by the Regional Coordinator of the Local Government who will be representing the Ministry of Local Government and Rural Development, it will also be attended by senior government appointees.
- 15.4 The Chairman and the Permanent Committee can be dismissed before their term expires, if there is a reason, evidence or lose the confidence of the Council Members, this can be proposed by a third of the Council Members and should be accepted by a two third majority.

Article 16

The Permanent Committees:

- 16.1 The Permanent Committee fulfils the Local Councils' function the period between the sessions.
- 16.2 The Permanent Committee presents its work to the Area Council Members for approval.
- 16.3 It recommends on the formation of Council Village Committees.

Article 17

The Responsibilities and Powers of the Chairman of the Local Council

- 12.1 The Chairman of Area Local Council is the Head of the Local Council of that area.
- 12.2 He/she can call for ordinary and extra-ordinary council meetings; he can also call for meetings when two thirds of the council members suggest for a meeting.
- 12.3 He/she signs the resolutions made by the Local Council and the Permanent Committees.

Article 18

The Responsibilities and Powers of the Local Council

Content Missing

Article 19

The Village Committees

- 19.1 The village committees are formed by the resolutions of the local council, but they will be proposed by the Permanent Committees and it should be composed of representatives from the village.
- 19.2 The communities that live in the village elect annually the Administrative Committee that should not exceed 5-7 persons.
- 19.3 The Chairman of the Local Council after consulting the village committees appoints from the list of village committees a Chairman and Secretary in consultation with the Mayor of the town.

Article 20

The Meetings/sessions of the Local Councils and the Village Committees

- 20.1 The first session of the Area Local Council will be held within 30 days after the election date.
- 20.2 The other meetings will be called by the Chairman of the Local Council.
- 20.3 The Area Local Councils and the Village Committees must meet once in every 3 months while the Permanent Committees must meet at least once every month.
- 20.4 The Area Local Council can meet as stipulated in Article 17.2 of this Law.
- 20.5 The meetings of the Area Local Council are open for the general public unless it is a close-door meeting.

Article 21

Quorum of the Meetings

- 21.1 The meeting of the Local Council and other committees will reach a quorum when attended by more than half of the members.
- 21.2 The resolutions will be passed by a simple majority vote; however, if they tie in the first and second round, then the Chairman will have an extra vote.

Article 22

Writing of the Minutes and Records

- 22.1 All the meetings of the Local Councils and other committees must have minutes or the debate must be a written one.
- 22.2 The minutes must be recorded and kept in safe place under the custody of the Council Secretary who doesn't have a vote and shall be nominated by the Chairman of the Council.
- 22.3 The minutes of the Local Councils and the Permanent Committees will be taken down by the Council Secretary who has the right to give his/her opinion in the meeting but with no voting right.

Article 23

The Expenses of Council Meetings

- 23.1 While the work of the Local Council and the Committees goes on, the members of the Local Council will be given salary or allowance based on the capacity of the District.
- 23.2 While the work of Permanent Committees of the Local Councils goes on, they will be paid allowances that will be specified in a law by the Ministry of Local Government and Rural Development.
- 23.3 The allowance mentioned in 23.2 of this article will be given out from the budget of the Local Council.

Article 24

The Relationship between the Local Councils and the Central Government

- 24.1 The relationship between the Local Councils and the Ministry of Local Government and Rural Development is founded on:
- a) The Constitution which states that the power of the Local Government is part of the power of the Central Government
 - b) The existence of laws and regulation that authorizes/empowers the Central Government to have over the Local Government power of instruction, guidance, directive in line with the daily operations and supervision.

24.2 In this relationship the government is represented by the Ministry of Local Government and Rural Development. See the Annex for more information on the relationship.

Article 25

The Method and Criteria of Electing the District Mayor and Deputy Mayor

25.1 The Mayor and Deputy Mayor are elected from the Local Councils or from the general public of the local area.

25.2 They will be elected on the following criteria:

- a) Any responsible Puntland citizen with sound mind who has attained the age of 30 years can be picked as the Mayor or Deputy Mayor.
- b) Should not have been convicted in a court of law
- c) Must have completed at least secondary school level of education or has an equivalent experience and with a work experience of a minimum of five years.

25.3 The Area Local Council has the full mandate of stopping any candidate who did not fulfil the above conditions from participating in the elections.

25.4 The Mayor and Deputy Mayor will hold office for a four year term starting from the day they are elected.

25.5 The Mayor and Deputy Mayor can be re-elected in a second term as per this law.

25.6 The election of the Mayor and Deputy Mayor is by show of hand.

25.7 Any candidate who does not attain two thirds of the total votes of the Council members in the first round will be eliminated.

25.8 The candidates who will qualify for round two will win with a simple majority of the votes of district committee.

Article 26

The Power and the Responsibilities of the District Mayor

26.1 The Mayor is the head of the departments of the district, and will chair the meetings of Developments and Security Committees of the locality.

26.2 He has a supervision role in all the works of the local government in the district

26.3 The Mayor chairs meetings of the District and Village Committees.

26.4 The Mayor links the District administration with that of the Region.

26.5 He is signatory to all official documents of the local government offices.

Article 27

Dismissal/Sacking of the Mayor and the Deputy Mayor

27.1 If unable to execute his duties or embezzles public funds and proposed by a third of the members of the Local Council; he can be dismissed when two thirds of the Local Council members vote against him.

27.2 Upon his death.

27.3 When he tenders his resignation and the area local council accepts.

27.4 In case any of the above happens then, the District Local Council will elect a new Mayor or Deputy Mayor within 30 days, and the Chairman of the Local Council will hold the office in an interim capacity.

Article 28

The Responsibilities of the Deputy Mayor

1. The Deputy Mayor will do all that the Mayor used to do when the Mayor is absent or he is temporarily not able to execute his duties.
2. Advise the Mayor on all the functions and duties of the local government.
3. Fulfils the duties delegated to him by the Mayor not beyond the jurisdiction of the Mayor's duties.

SECTION 3

The Legal and Economic Rights of the Staff of the Local Government

Article 29

The Staff of the Local Government

29.1 The work condition, the legal and economical rights of the local government staff is stipulated in a special law produced by the Ministry of Local Government and Rural Development.

Article 30

Secretary of the Local Government

30.1 Every local government is supposed to have a secretary appointed by the Ministry of Local Government and Rural Development.

30.2 The secretary and the staff of the local government report to the Mayor of the town.

30.3 The Secretary and the other staff are responsible to undertake orders and work given to them by the Mayor that are consistent with this law, other laws of the country and directions of the Ministry of Local Government and Rural Development.

Article 31

The Responsibilities of the Secretary of the Local Government

31.1 The Secretary of the Local Government is responsible:

- a. To implement and enforce the by-laws of the administration of the local council and to undertake the work assigned to him by the Mayor.
- b. To look after the budget of the Local Council, the collection of the taxes and other duties.
- c. To safeguard and protect revenues and expenses of the Local Council's Budget
- d. To implement development projects and programs of the Local Government.
- e. To Support and discipline the Local Council staff.

SECTION FOUR

Revenue, Expenses and Accounts of the Local Authority

Article 32

The property

32.1 The Local Government Resources are national resources and can only be used for national purposes.

32.2 In line with their responsibilities, The Local Council can:

- a) Manage the entities that fall under the council

- b) Create enterprises under the council or take any step that will economically benefit the council that is in consistent with this law.

Article 33

The Budget

- 12.1 The budget projection of the Local Council and the entities under it, is part of the national budget, and is a basic economic resource for the Local Council.
- 12.2 Each year the administration of the Local Council will prepare a projected budget for the coming year while following the guidelines of the Ministry of Finance, that budget will consist of:
 - a) The projected Revenue and Expenses of the coming year
 - b) Detailed financial statements of the last six months to be used as a guide.
- 12.3 The proposed budget will be presented to the Members of Local Council for approval and will be submitted to the Coordinator of the Regional Local Councils to forward it to the Regional Development Council latest by 30th of September
- 12.4 The Regional Local Council Coordinator will attach his comments on the budget, and submit it to the Ministry of the Local Governments and Rural Development by 15th of October.
- 12.5 The budget of the Local Council will be implemented only when the Local Council approves.
- 12.6 If need be, the Local Councils can prepare a 6 month revised/amended budget to be approved by the Local Government and Rural Development
- 12.7 If there is a need, the Local Council can in the second half of the year make re-allocations of funds in the budget-lines, this can be authorized by the following:
 - a. Re-allocation with two sub-headings that have a common heading can only be carried with a directive from the Ministry of Local Government and Rural Development.
 - b. Re-allocations with sub-lines, can be authorized by the Chairperson of the Regional Development Committee

12.8 The Local Council should prepare monthly, semi-annually and annual financial statements, which will be approved by the District Mayor and will be submitted to the Ministry of Local Government and Rural Development.

Article 34

The Local Executive Committees

34.1 The Local Executive committees are composed of:

- a) The District Mayor
- b) The Deputy District Mayor
- c) The Secretary of the Local Government

Article 35

The Revenue

35.1 The Revenue of the Local Council consists of:

- a. Taxes and duties in Annex **(A)**, of this Law and anything else that is permitted for it by other laws and government regulations.
- b. Profits from its business ventures
- c. Other revenues from economic sources it created or services rendered to the public.
- d. Local and International Loans, if approved for them.
- e. Donation/grants from the Central Government, overseas and from the public.

Article 36

Tax System

36.1 The Local Council, when it wants to apply one or more taxes and other duties permitted by the law in its area, it has to identify in its resolutions.

- a. The amount, collections and other duties, considering the limits described by the laws on the issue.
- b. Dates of the taxes, collections and other duties while considering the law that limit this.

36.2 In order to implement the resolution the approval of the Local Government and Rural Development is needed.

Article 37

Revenue Collection

37.1 The Revenue of the Local Council will be collected in cash.

37.2 A receipt has to be issued for every collection (the official receipt).

Article 38

The expenses

38.1 The Local Government can pay the expenses approved in the Budget which can be:

- a. Expenses for the normal daily operations
- b. Expenses on the implementation of the development projects in the area
- c. Expenses that are donations and assistances.
- d. Every expense has to have the official payment voucher and the supporting documents must be attached and signed by the authorized people and the person receiving the money, and it has to be in line with the government accounting rules and regulations.

Article 39

The Accounting System

39.1 The administration of the Local Councils has to use an accounting system which is in accordance with the Government System and Private Agencies and this accounting system must transparently define the administration of the resources of the Local Council.

39.2 The administration of the Local Council must submit to the Regional Coordinator and the Ministry of Local Government and Rural Development its quarterly statement of Revenue and Expenses.

Article 40

The Accounting responsibility

- 40.1 In addition to the criminal responsibility which may result from, anyone who pays or authorizes expenses which are not in accordance with the law or through negligence causes the loss of resources of the Local Council he/she will have to refund the paid or lost resources.
- 40.2 The responsibility of returning the resources in paragraph 1 of this article is on the persons paying or responsible for the lost resources, unless a written instruction is given by the lawfully authorized people, then person authorizing the resource will be held responsible to return illegally paid resources.
- 40.3 For the cases that are not mentioned in the accounting laws of the Local Authorities, the Central Governments rules and regulation will be followed/applied.

Article 41

Methods of Returning/reclaiming Lost Resources

- 41.1 The returning of resources in article 40 of this law is instructed by the Ministry of Local Government and Rural Development.

Article 42

Supervision and Scrutiny of the Budget

- 42.1 The Ministry of Local Government and other agencies authorized by the law will supervise and scrutinize the budget of the Local Councils and their accounts.
- 42.2 If the supervising and scrutinizing agency is not the Ministry, then it has to forward a detailed report to the Ministry of Rural Development while observing the time and methods of the government accounting regulations.

SECTION FIVE

AGREEMENTS

Article 43

The Signing of agreements

- 43.1 The agreement that the Local Councils are party to will be signed by the District/Town Mayor in the presence of the Local Council Secretary who will stamp it with the official seal and take the responsibility of its safekeeping, registration and etc.
- 43.2 The agreements entered in to without observing the terms in number 1 of this article will be null and void.

Article 44

Contracts/tenders

- 44.1 Agreements on the purchase of goods, rendering of services and facilitation of administration related tasks of the Local Councils will be approved by the District Executive Committee up to 50 million, anything above 100 million will be approved by the Local Council.
- 44.2 Tenders will be presented to the public 10 days in advance and will be publicized by fixing the tender notice documents on places assigned for notices as well as other suitable places.
- 44.3 The contract will be awarded to the lowest or most technically efficient bidder whose charges are considered reasonable.

SECTION SIX PENALTIES

Article 45

The Penalties

- 45.1 Unless it contradicts other laws and regulations, any person not abiding by the resolutions of the Local Council, the Permanent Committee of the Local Council or the Council Executive Committee or breaching orders that are consistent with this law that are from the Chairman of the Local Council and the Mayor, will be penalized, (unless penalizing him/her will lead to a more dangerous crime), he/she will pay a fine of between 100 thousand and 200 thousand;

however, if the person is breaching a resolution on the public health, the penalties will be decided by a court of law.

45.2 The violation indicated in number 1 of this article and which its penalty is only a fine, can be settled by paying an amount equivalent to the fine within seven days from the day he/she was communicated to the charges.

45.3 The fines collected in number 2 of this article will be part of the Revenue of the Local Council; the rights of the staff on fines collected will be guided by applicable laws.

Article 46

Limit of Penalties

46.1 The Disciplinary Committee of the Local Council has the right of limiting penalties attracted as a violation of the resolutions and orders mentioned in the above article, while not going beyond the limits mentioned above.

46.2 The decision of the Disciplinary Committee in number 1 of this article will be approved or rejected by the Local Council.

SECTION SEVEN

TRANSFER OF RESPONSIBILITY AND REGULATIONS

Article 47

Transfer of Responsibility

47.1 All powers granted by the laws and regulations to the District Authorities have been transferred to the Local Council.

47.2 All the rights and obligations of the Districts Authority are also transferred to the Local Council when this law comes into force.

Article 48

Implementation

48.1 This law will come into force on its approval by the National Assembly and its signature by the President and its publication in the official gazette of the Government, when then everybody will be duty bound to abide by and implement this law.

The President of Puntland State of Somalia
Abdullahi Yussuf Ahmed

ANNEX (A)

a) Taxes permitted for the Local Councils

1. Taxes on houses, wooden houses and other structures
2. Taxes on animal dips, vaccinations and health certificates
3. Taxes on animal trade
4. Business licenses and business signs taxes
5. Taxes on land allocations, building and rehabilitation permits
6. Land value taxes
7. Commodities markets taxes
8. Taxes on slaughter houses
9. Taxes on the export of animals, fragrance, gum, fish, palm leaves, brushwood and salt
10. Taxes on drinks and *khaat (miraa)*
11. Taxes on animal skin/hide and cereals
12. Parking fees (taxes)
13. Taxes on person's registration, birth registration, identity, authentication letters.
14. Taxes on coffee mills, weighing and entertainment
15. Taxes on electricity and telephone poles.
16. Taxes on electricity cables, telephone cables (both underground and above ground cables)
17. Taxes on Town water
18. Taxes on imports and exports of the Puntland State of Somalia

b) Other rights granted to the local government if they perform well include;

- Power distribution
- Public transport
- Water reservoirs (berked)
- Transportation and refrigeration of meat and fish
- Technical and Health activities
- Production of ice
- Rent of the public houses

PUNTLAND STATE OF SOMALIA



Ministry of Local Government and Rural Development

February 2005

**REGULATIONS ON THE STRUCTURE OF THE DISTRICT
COUNCILS OF PUNTLAND STATE OF SOMALIA**

REGULATION

Article 1: The method of electing the Local Council

- 1.1 The Local council is elected by the permanent residents of the District, based on the electoral laws and fairness/justice
- 1.2 When electing members the voters will fill out a form presented by the Electoral Commission and it will be registered at the District Court
- 1.3 The Local Council member appointed by the people, when he fulfils the conditions and accepted by the District Electoral Commission, his/her membership will be registered at the District Court.
- 1.4 Every member of the Local Council who fulfils the steps mentioned above will pay Sh. So 1,000,000/ before they are sworn in, this amount is the Local Council membership registration fee.
- 1.5 Every District should have at least two female councillors
- 1.6 Any dispute that may arise between the people during the process of selecting the Local council member will be decided on by the High Committee charged to establish the Councils of Puntland.

Article 2: The requirements from the Council Membership

Candidates

1. He/She should be a citizen of Puntland who has attained the age of 30 years
2. He/She should be someone with high integrity within the community
3. He/She should have a secondary school level of education or primary level and work experience of not less than 7 years
4. Members of the Permanent Committees of the Local Councils are not allowed to hold any other Government office.
5. The elected member should be from the community that is known to be the inhabitants of that area
6. The elected members who are serving as Permanent Committee should declare their wealth before they are sworn in, to the High Committee of the Establishment of Local Councils and this should be recorded at the District Court.

7. The members elected by the public, before they are sworn in, should submit to the High Committee of the Establishment of Local Councils a declaration which shows that they do not owe any Tax as individuals or in their business
8. When elected member fulfils all the above requirements they should submit the following to the High Committee of the Establishment of Local Council:
 - a) His/Her CV
 - b) Evidence of His/Her education
 - c) 4 passport size photos
 - d) Certificate of good conduct
 - e) No Objection (Nulla osta)

Article 3: Loss of Local Council Membership

1. If the person is appointed to an office other than that of the Permanent Committee of the Local Council
2. If it becomes clear that he/she is not of sound mind
3. if convicted of a crime such as treason, opposing the law and the existence of Puntland State of Somalia
4. If he/she was removed from a government office due to misconduct or corruption

Article 4: The Term of Office of the Local Council

- 4.1 As per the Laws of Puntland the term of office for the Local Council is 4 years
- 4.2 The period of the term of office of the Local Council begins from the date they assume office to the day the next election of the Local Council is declared.
- 4.3 The term of office for the Local Council cannot be extended.
- 4.4 The first meeting of the Local Council will be chaired by the eldest member of the local council until the Chairman of the Local Council is elected.

Article 5: The Responsibilities of the Local Councillors

- 5.1 To elect the Chairman and the Deputy Chairman of the Council who are also the Mayor and Deputy Mayor.

- 5.2 To harmonise the policies and the work relationship of the Puntland government.
- 5.3 To approve and implement the District Budget
- 5.4 To legislate for the area Local Council
- 5.5 To endorse or reject the top officials of the Area Local Government proposed by the Mayor.

Article 6: The Session of the Local Councils

- 6.1 The Local Council will have two sessions per year.
- 6.2 The Chairman can call for extra-ordinary meeting if requested by the government of Puntland or by a third of the council members.
- 6.3 The meetings of Local Council and its committees will reach a quorum if it is attended by more than half of the council members.
- 6.4 The sitting allowances for the Local Council will be determined by the Ministry of the Local Government and Rural Development, and is specifically for the meetings of the Council and its Committees.

Article 7: Conducting of Business of the Local Council

- 7.1 The meetings of the Local Council is chaired by:
 - i. The chairman.
 - ii. The Deputy Chairman. in case the chairman is not present.
 - iii. A member appointed by the Council if both the Chairman and the Deputy Chairman are not present.

Article 8: Relationship between Local Councils and the Government

- 8.1 The relationship between the local councils and the Ministry of Local Government and Rural Development is founded on:
 - i. The Constitution which states that the power of the local government is part of the power of the central government
 - ii. The existence of laws and regulation that authorize/empower the central government to have over the Local Government power of instruction,

guidance, directive in line with the daily operations and supervision.

8.2 In this relationship the government is represented by the Ministry of Local Government and Rural Development

8.3 Because of this, the Ministry of the Local Government and Rural Development can send to the Districts different committees of supervision and auditing to confirm how the revenue is managed.

Article 9: Disbanding of the Local Council

9.1 The Local Council can be disbanded through a Presidential decree before their term expires as a result of the following and when proposed by the Ministry of the Local Government and Rural Development:

- a) If they have intentionally violated the Constitution of Puntland.
- b) If the Council decides to commit a crime of treason such as opposing the unity of Puntland
- c) If the Council contradicts the Policies of Puntland
- d) When it becomes evident that the entire Council has misused the Public funds.

Article 10: Electing the Chairman of the Council who is also the District Mayor and Deputy Mayor

10.1 The Chairman of the Council who is also the Major and Deputy Chairman are elected from the Local Councils

10.2 The election of the Chairman/ Mayor and Deputy Mayor is done by show of hand without secrecy.

10.3 If the contestants are more than two, only the two who lead in the first round will proceed to the second round.

10.4 The Candidate who gets a simple majority wins the second round and becomes the Chairman of the Council/the Mayor and Deputy Mayor.

Article 11: The requirement for vying for the seat of the Chairman of the Council/Mayor and Deputy Mayor

11.1 The candidate has to fulfil all the conditions stated in article two of this regulation.

11.2 The candidate should forward to the electoral commission his written work plan for the four years in office

Article 12: The Electoral Commission of the Local Council

12.1 The electoral commission of the Local Council is composed of 7 members of the cabinet and they are lead by the Minister for the Local Government and Rural Development.

Article 13: The Responsibilities of the Electoral Commission

13.1 The Commission will divide itself in to the Regions and the Districts and ensure the election of the council members.

13.2 The Commission will make sure that the forms of the candidates which the public submit are in accordance with what is stated above in article 2 of this regulation.

13.3 The Commission is charged with carrying out and finalizing the elections and submitting the results to the Supreme Court.

13.4 Two members of this Commission and two others who are the District Chairman and the Coordinator of the Local Government make up the Electoral Commission of every Region and its Districts.

13.5 This Commission will constantly report to the office of the president.

Article 14: The Method of electing the Local Councils

14.1 Every District should follow this regulation in electing its Local Council representative.

14.2 The elections will be carried out openly in every district. The inauguration process will take place in the district where all the region's electoral commission members are at that particular time.

14.3 When the inauguration process is over for the districts and the election is concluded, the electoral commission will temporarily announce the members who are elected as the chairman and the deputy chairman but the final announcement is the prerogative of the supreme Court of Puntland State of Somalia.

Article 15: The Oath for the Council members

15.1 The Oath of Office for the Councillors will be that Oath of Office in the Puntland Constitution.

Article 16: The reference of this Regulation

16.1 The official reference of this regulation will be:

- a) The constitution of Puntland
- b) Law Number 7 of 18/09/2003 of the District Local Councils of Puntland State of Somalia.

Thanks to Allah

ALI ABDI AWARE

**The Minister for Local Government and Rural Development
who is also the Chairman of the Electoral Commission for the
District Councils**