

L.N. 153 of 2015

**PUBLIC ADMINISTRATION ACT
(CAP. 497)**

**Local Enforcement System (Establishment as an Agency)
Order, 2015**

IN exercise of the powers conferred by article 36 of the Public Administration Act, the Prime Minister has made the following Order:-

1. (1) The title of this Order is the Local Enforcement System (Establishment as an Agency) Order, 2015. Citation and commencement.

(2) The provisions of paragraphs (a), (b), (c), (e), (f) and (g) of sub-article (1) of article 3 of this Order shall come into force on such date as the Minister responsible for local government may, by notice in the Gazette, establish, and different dates may be so established for different provisions of the said paragraphs of sub-article (1) of article 3 of this Order.

2. In this Order, unless the context otherwise requires - Interpretation.

"the Act" means the Public Administration Act; Cap. 497.

"Agency" means the Local Enforcement System Agency established by this Order;

"local enforcement" means the enforcement of any bye-laws and any other legislation which may be entrusted to local councils or Regional Committees by delegation or agreement as stipulated in the Local Councils and Regional Committees (Delegation of Enforcement) Order; S.L. 363.41

"local enforcement system" means the structural, operational and administrative set-up required to provide local enforcement services;

"Minister" means the Minister responsible for local government;

"Permanent Secretary" means the Permanent Secretary in the Ministry responsible for local government.

3. There shall be an Agency, to be known as the Local Enforcement System Agency, which shall carry out the functions and duties of the public administration in the following matters: Establishment of Local Enforcement System Agency.

B 1142

Cap. 363. (a) providing for the enforcement of any law, regulation or bye-law, the enforcement of which has been delegated to regional committees, local councils or to such other local or regional authorities as are designated by the Local Councils Act;

Cap. 363. (b) collecting penalties, including additional penalties and expenses which may be due to the regional committees or local councils in terms of the Local Councils Act;

(c) administering and apportioning between the local councils constituting the regional committees any net surpluses resulting from enforcement operations in accordance with a formula established by agreement following consultations between the regional committees, the local councils association and the Minister;

(d) reviewing the workings of local enforcement;

(e) ensuring co-ordination of local enforcement activities;

(f) such other matters which are ancillary, incidental or consequential to the matters stipulated in paragraphs (a) to (e) as the Minister may from time to time determine; and

(g) the general regulation of its own procedures, provided it does not violate the provisions of any other law.

Minister
responsible for
the Agency.

4. (1) The Minister responsible for the Agency shall be the Minister responsible for local government.

(2) The Permanent Secretary in the Ministry responsible for local government shall supervise the Agency in terms of article 39 of the Act:

Provided that the Prime Minister may assign the responsibility of the Agency to another Minister and its supervision to the Permanent Secretary of that ministry.

Operational set-
up of the
Agency.

5. (1) The Agency shall, in consultation with the Minister, establish and re-organise units, divisions and sections as appropriate in order to exercise its functions.

(2) The operations of the Agency shall follow an Agreement which is to be agreed upon in writing between the Permanent Secretary and the Agency.

6. (1) Subject to the other provisions of this Order, the executive conduct of the Agency, its administration and organisation and the administrative control of its officers and employees, shall be the responsibility of a Chief Executive, who shall be appointed by the Minister.

Role of the
Chief Executive
Officer.

(2) The Chief Executive shall be responsible for the implementation of the objectives of the Agency in the exercise of its functions and, without prejudice to the generality of the foregoing, he shall -

(a) assume full responsibility for the overall supervision and control of the units, divisions and sections;

(b) assign to each unit, division and section such duties which he considers necessary or expedient;

(c) co-ordinate the work of the units, divisions and sections;

(d) develop the necessary strategies for the implementation of the objectives of the Agency; and

(e) perform such other duties as the responsible Minister may assign to him from time to time.

7. (1) Public officers deployed with the Agency shall be deemed to be detailed with the Agency in accordance with article 43 of the Act.

Deployment of
public officers
and recruitment
with the
Agency.

(2) Subject to the provisions of the Act and of any other legislation, the Agency shall have authority to engage its own employees.

8. The Agency shall be governed by the provisions of the Financial Administration and Audit Act unless otherwise stated in the Agency agreement between the Permanent Secretary and the Agency, in which case the provisions of the Agency agreement shall prevail.

Financial
arrangements.
Cap. 174.

9. The operations of the Agency shall follow an Agency performance agreement which is to be agreed between the Permanent Secretary and the Agency. The provisions of article 40 of the Act shall apply.

Other special
arrangements
applying to the
Agency.

10. (1) The Minister may establish an Advisory Board to assist the Chief Executive Officer in the discharge of his duties.

Advisory Board.

(2) The Advisory Board established under this article shall be chaired by the Chief Executive Officer and shall consist of not less

than two and not more than four members appointed by the Minister.

(3) The remuneration paid to members of the Advisory Board shall be in accordance with the directives and guidelines issued by the Agency from time to time.

Amendment to
the Public
Administration
Act.
Cap. 497.

11. In the Fourth Schedule to the Public Administration Act, immediately after the Agency "Legal Aid Agency" there shall be added the following:

Agency	Agency Function
"Local Enforcement System Agency	To carry out the functions and duties relating to the enforcement of any law, regulation or bye-law, the enforcement of which has been delegated to regional committees, local councils or to such other local or regional authorities as are designated by the Local Councils Act."

