

Law No. 130 of 1972
on the local administration system

In the name of the People,

The Revolutionary Command Council,

Upon review of:

- The Constitutional Declaration issued on 2 Shawwal 1389 AH, corresponding to 11 December 1969;
- Law No. (62) of 1970 on local government;
- Law No. (79) of 1971 regulating the Ministry of Local Government;
- The proposal of the Prime Minister, and the approval of the Cabinet;

issued the following law:

Law on Local Administration

Part (1)

Local Administration Units and Councils and Their Competences

Section (1)

Local Administration Units

Article (1)

Local administration units shall comprise governorates and municipalities, each having legal personality. The establishment, abolishment, scope and headquarters of governorates shall be determined by a law, whereas the establishment, scope, and headquarters of municipalities shall be determined by a Cabinet decree.

Article (2)

Municipalities shall be divided into localities. Directorates may be established within municipalities when necessary, which shall be divided into localities.

Municipalities may have branches, with the scope of each branch encompassing one or more directorates or localities. The division of municipalities into localities, the establishment of directorates and municipal branches, as well as the scope, headquarters, and abolishment thereof shall be determined by a decision of the prime minister based on the proposal of the municipal council, upon consulting the competent governor.

Article (3)

The governorate shall be represented by the governorate council, whereas the municipality shall be represented by the municipal council.

Article (4)

The Cabinet shall determine the planning policy for the implementation of the local administration system and the activity of local councils within the public policy of the State and the competences entrusted to local councils. In particular, the Cabinet shall:

- a) Establish the general framework for the local services scheme in light of the State's public plan.
- b) Transfer the competences of competent ministries to governorate councils, including the necessary bodies, employees, and State budget allocations.
- c) Coordinate between public projects and those of local councils to ensure cooperation between ministries, public institutions and bodies, and local administration councils for the implementation of such projects.
- d) Establish the rules and guidelines for local administration units' budget estimate in light of the general rules of the State budget, subject to the provisions of the law.
- e) Any other competences prescribed by this law.

Section (2) Governorates

Chapter (1) Composition of Governorate Councils

Article (5)

Every governorate shall have a council carrying the name thereof. The headquarters of such council shall be in the capital of the governorate. The council shall be composed of:

- a) A governor, as chairman.
- b) A number of members from the Arab Socialist Union in the governorate, who shall be elected by direct ballot. This number shall be determined by a Cabinet decree. The elections shall be conducted by the general secretariat of the Arab Socialist Union.
- c) A number of members working at the Arab Socialist Union, not exceeding ten qualified members, who shall be appointed by a decision of the prime minister based on the proposal of the general secretariat of the Arab Socialist Union and upon consulting the competent governor.
- d) Ex officio members, i.e. directors of the governorate's directorates. Such directorates shall be determined and their directors appointed by Cabinet decree based on the proposal of the competent minister.

At all times, elected members shall constitute the majority.

Mayors of the governorate's municipalities may be invited to the council's sessions without having the right to vote on decisions.

Article (6)

Any member who is selected or elected to the council shall meet the following requirements:

1. He shall be a citizen of the Libyan Arab Republic.
2. He shall be no less than twenty-one years of age.
3. He shall have regular residence in the governorate.
4. He shall have completed primary education at the least.
5. He shall be of commendable conduct and good reputation.
6. He shall not be deprived of his political rights or restrained in the exercise thereof.
7. He shall not have been convicted of a felony or misdemeanour of moral turpitude unless he has been rehabilitated.
8. He shall not have been dismissed from a public position by disciplinary action for reasons of moral turpitude unless five years have passed since such dismissal.

Chapter (2)

Competences of Governorate Councils

Article (7)

The governorate council shall propose the local utilities plan in the fields of education, culture, health, social affairs, housing, transport and local means of transportation, cooperation, agriculture, industries of local character, supply, labour, youth care, and in general all local utilities and services within the general plan of the State. It shall issue the decisions concerning the establishment of such utilities and the regulation of their administration within the general framework established by the Cabinet and within the limits of the public policy.

In particular, the governorate council shall, subject to the laws and regulations:

1. Draft a plan for the local services under its jurisdiction upon consultation with the competent municipal councils.
2. Express its opinion regarding the general development draft plan under its jurisdiction upon consultation with the competent municipal councils, as well as control, oversee, and direct the implementation of such plan after its approval.
3. Contribute to the preparation of the general development plan with regard to projects and activities that fall under the jurisdiction of the governorate, and provide the proposals and recommendations it deems appropriate in this regard to be submitted to the competent authority.
4. Control and oversee the activity of municipal councils under its jurisdiction as prescribed by the executive regulation.
5. Levy, amend, change the term of applicability, exempt, or abolish charges of local character, provided that such decisions are subject to the approval of the prime minister.
6. May contract loans, provided that any decision taken in this respect shall take effect after the approval of the prime minister. The council may only contract loans or accept any grant or aid from a foreign entity by virtue of a Cabinet decree.
7. Discuss and approve the governorate's draft budgets.
8. Examine and advise on draft budgets of municipalities that fall under the jurisdiction of the governorate.

9. Advise on the establishment, modification, and abolishment of municipalities falling under the jurisdiction of the governorate.
10. Submit proposals and recommendations regarding the affairs of the governorate to every minister.
11. Conduct projects of local character which cannot be conducted or managed by the municipality that falls under the jurisdiction of the governorate.
12. Any other competences entrusted thereto by laws and regulations.

Section (3)

The Governor

Article (8)

Every governorate shall have a governor who is appointed and removed from office by a decision issued by the Revolutionary Command Council based on the proposal of the prime minister. His financial treatment shall be determined by a Cabinet decree.

Before taking office, the governor shall take the following oath before the Revolutionary Command Council:

“I swear by Almighty God to safeguard the republican regime with loyalty, to promote the interest of the people and the safety of the nation, to embody the Revolution’s principles of freedom, socialism, and unity, to respect the Constitution and the law, and to perform my duties with conscience and honesty”.

Article (9)

The governor shall assume the competences of a minister in administrative and financial affairs with respect to the governorate’s bodies and facilities.

Article (10)

The governor shall represent the executive in the governorate and he shall oversee the implementation of the public policy of the state. Any minister may entrust the governor with some of his competences by a decision issued by such minister. The governor shall notify concerned ministers with his observations regarding the governorate’s affairs.

Article (11)

The governor shall oversee all ministerial branches whose competences are not transferred to local councils, as well as their employees and those of the branches of public bodies and institutions in the governorate. He shall be considered their local chief, with the exception of judicial and prosecution officers and any other persons specified in the executive regulation.

With respect to such employees, the governor shall:

1. Inspect work progress and report such inspection to the minister or the director of the body or institution. These reports shall be taken into consideration for promotion purposes.
2. Impose disciplinary sanctions within the limits of the minister’s competences.

Article (12)

The governor and ex officio members of the governorate council shall undertake the necessary actions and procedures to execute any decision issued by the council. The governor shall also take all necessary actions to prepare and execute the council's decisions and directives concerning the establishment, regulation, and management of utilities and actions of local character within the public policy of the state.

Article (13)

The governor shall take necessary action to face any epidemic, natural disaster, or other matters that cannot be delayed. In this case, he shall immediately notify the Cabinet and the competent minister, and he shall inform the governorate council at its next session of the reasons for such action, in which case the council may approve, amend, or revoke such action, without the council's decision of amendment or revocation having retroactive effect.

Article (14)

In the absence of the governor, he shall be replaced by a member of the governorate council selected by the council.

Section (4) Municipalities

Chapter (1) Composition of Municipal Councils

Article (15)

A municipal council shall be formed at the headquarters of every municipality, which shall carry the name of such municipality. This council shall be composed of:

- a) A mayor, as chairman.
- b) A number of members from the Arab Socialist Union in the municipality, who shall be elected by direct elections. This number shall be determined by a Cabinet decree. The elections shall be conducted by the general secretariat of the Arab Socialist Union.
- c) A number of members working at the Arab Socialist Union, not exceeding six qualified members who shall be appointed by a decision of the prime minister based on the proposal of the general secretariat of the Arab Socialist Union and upon consulting the competent governor.
- d) Ex officio members representing the public entities whose work is connected to the competences of the municipal council, which shall be determined by Cabinet decree based on the proposal of the prime minister. Elected members shall constitute the majority at all times.
- e) The mayor shall be appointed and his financial treatment shall be determined by a Cabinet decree based on the proposal of the prime minister.

Article (16)

The mayor shall assume ministerial competences in administrative and financial affairs with respect to the municipality's bodies and to the budgets and facilities thereof.

In the absence of the mayor, he shall be replaced by a member of the municipal council selected by such council.

Article (17)

The provision of Article (6) shall apply to elected or selected members of municipal councils.

Chapter (2)

Competences of Municipal Councils

Article (18)

In general, the municipality shall be in charge, within its jurisdiction, of the establishment and management of public utilities related to planning, organization, buildings, health and social affairs, water utilities, lighting, sanitation, roads, and local means of public transportation, within the limits set forth by the executive regulation. The other matters that fall under the jurisdiction of the municipality are also identified by the executive regulation. The municipality shall establish and manage within its jurisdiction, whether personally or through an intermediary, the works and institutions that it deems necessary to perform its duties.

Article (19)

The municipality shall enforce the provisions of the laws and regulations pertaining to urban and rural planning, building organisation, land partition, and zoning, in addition to the oversight and control of construction activity and prison registry, record-keeping of the names of engineers and building contractors and their work status within the municipal jurisdiction, as well as the requests for construction permits in exchange for the relevant fees.

Article (20)

The municipality shall plan and build roads within its allocated scheme. It shall plan and establish public squares and gardens, and enforce the laws and regulations pertaining to road work, public space and occupation permits thereof in exchange for the prescribed fees or rents, in the manner stipulated by the regulations.

Article (21)

The municipality shall, within its jurisdiction, preserve public health and enforce the laws on public health as well as any regulations and decisions issued in accordance therewith under the supervision of the Ministry of Health. In particular, the municipality shall undertake the following:

1. Public hygiene works and waste transportation.
2. Cooperation with competent entities to protect the environment and prevent pollution.
3. Control and inspection of food products, preventing their contamination or adulteration.
4. Control and licensing of dangerous, disturbing, or harmful shops.
5. Licensing and control of public shops and entertainments.

6. Public slaughterhouses and butcheries.
7. Beaches and summer resorts.
8. Public laundromats and restrooms.
9. Public gardens.
10. Cemeteries, burials, and transport of the dead.
11. Possession of harmful or disease-carrying animals.

Article (22)

The municipality shall, within its jurisdiction, license the practice of commercial and industrial occupations, crafts, and other professions. It shall monitor the fulfilment of license requirements and the stores' opening and closing hours in accordance with the procedures set forth by the laws and regulations and in the manner prescribed by the executive regulation, provided that the license issued by the municipality for the works identified by the said regulation is approved by the competent police service.

Article (23)

The municipality shall establish, regulate, manage, license the use of, and use public markets and auction centres in accordance with the laws and regulations and in exchange for the specified fees and charges.

Article (24)

The municipality shall monitor the fineness of gold and silver. It shall seal and stamp jewellery and any other items made of either metal and collect the prescribed fees thereof.

Article (25)

The municipality shall record birth, residence, marriage, divorce, death, and other civil status affairs in accordance with the population registry system and that of births and deaths. It shall issue certificates and extract vital statistics from the records, in addition to enforcing the relevant laws and regulations.

Article (26)

The municipality shall regulate and monitor commercial advertising and provide general weighing services in the manner prescribed by the executive regulation in exchange for the specified fees or charges.

Article (27)

The municipality shall manage and dispose of its properties, organize its public places, and administer the properties relating to public utilities under its jurisdiction.

Article (28)

The municipality shall organise the local means of public transportation without contravening the competences of ministries and other institutions in this respect.

Article (29)

Municipal councils may issue regulations concerning municipal affairs that fall under their jurisdiction within the limits of the general laws and regulations, provided that a decision in their regard is issued by the competent governor. The governor may object thereto within

thirty days from the date of receipt thereof, otherwise they shall be deemed effective. Such objection shall be substantiated and in writing. If the municipal council insists on its decision, the governor shall refer the issue to the prime minister in order to take the action he deems fit.

Article (30)

The council may contract loans insofar as its decision in this respect only becomes effective upon the prime minister's approval. In all cases, the council may only contract loans or accept any grant or aid from a foreign entity by a Cabinet decree.

Article (31)

Any minister and governor may consult the municipal council on any matter in which he seeks its opinion. The council may also inform the governor, or any minister through the governor, of its opinion regarding the general needs of the municipality.

Part (2)

Financial and Administrative Affairs of Local Administration Units

Section (1)

Financial Resources of Governorates and Municipalities

Article (32)

1. The resources of governorates and municipalities include:
 - a) The revenues of their funds and utilities.
 - b) Donations, grants, and trusts; however, the council may only accept them with the prime minister's approval if they are conditional upon a requirement that does not fall under the council's jurisdiction.
 - c) Loans contracted by the council in accordance with the provisions of the law.
 - d) Fees, returns, and royalties of local character which are referred to in Article (33).
 - e) Taxes, fees, and returns prescribed for the council or provided by the government to the council in accordance with the laws and regulations.
 - f) Government aid and subsidy.
2. The following revenues are added to the municipality's resources:
 - a) Half the building and amusement park taxes that are levied in the municipality's jurisdiction.
 - b) An additional fee of 5% of customs duties levied on imports and exports, which shall be distributed to municipalities by a decision by the prime minister.
 - c) Thirty per cent of tax income on trade, industry, crafts, and self-employment, which is levied in the municipality's jurisdiction. This tax includes corporate tax imposed on companies, including partnerships, with the exception of companies that are subject to the Petroleum Law No. (25) of 1955 and Law No. (24) of 1970 on the National Oil Corporation. If the commercial activity on which the tax is levied extends over more than one municipal jurisdiction, the tax revenue shall be distributed among the concerned municipalities by a decision by the prime minister.
 - d) Amounts resulting from sanctions or arbitration in crimes that violate the laws and regulations enforced by the municipality.

- e) Amounts collected form traffic violations and parking fees, within the schemes adopted in the towns and cities falling under the municipality’s jurisdiction.
3. The governorate council may distribute part of its resources, in the percentage it determines, to the municipalities under its jurisdiction in accordance with the foregoing provisions, based on the conditions and needs of every municipality.

Article (33)

Governorate councils and municipal councils, each within its jurisdiction, may levy fees, returns, or royalties for the use of public utilities owned by such councils or placed under their custody for management purposes, for the exploitation of public utilities, or for the use of public property whose affairs are managed by the councils, in addition to other fees of local nature. The governorate council’s decisions in such matters shall only become effective by a decision by the prime minister, whereas the municipal council’s decisions in this respect are subject to the provisions of Article (29). The prime minister may ask the local council to adopt, amend, or eliminate a certain local fee or reduce its period of enforceability as required by public interest.

Section (2)

Budget of Governorates and Municipalities

Article (34)

The governorate council shall draft the governorate’s administrative budget based on its needs, and it shall submit the budget to the minister of the Treasury six months before the beginning of the financial year.

Every municipal council shall draft the municipality’s administrative budget at least seven months before the beginning of the financial year, which shall include the estimated revenues and expenditures of the municipality.

The draft budget shall be submitted to the competent governorate council to be examined and referred to the minister of the Treasury with its observations, at least six months before the beginning of the financial year.

The minister of the Treasury shall examine the drafts submitted thereto and take the proper procedures pertaining to the allocations for each council in the State’s administrative budget.

Article (35)

After informing the councils of the amounts allocated for their general spending, each council shall prepare an administrative budget in which such amounts are distributed to their areas of expenditure, in accordance with the conditions under which the draft budget is prepared.

Such budget shall be approved by the minister of the Treasury.

Article (36)

The previous budget of every local administration units shall remain in effect until the new budget is approved. Temporary monthly allocations shall be opened automatically on the basis of one twelfth of the budget of the past financial year.

Article (37)

Six months before the beginning of the financial year, the governorate council shall draft the development budget of the governorate in the form of projects, which shall be submitted to the ministers in its jurisdiction who are in charge of such projects, and referred afterwards to the competent entities for approval and adoption of necessary allocations.

The governorate council shall prepare the development budget of the governorate based on the projects and approved allocations. Such budget shall be issued by a decision by the prime minister. The governorate council shall take all the necessary actions and procedures to implement the projects included in the budget in accordance with the designs prepared by the competent ministry and provided to the governorate council.

Article (38)

Every municipal council shall prepare the development budget of the municipality in the form of projects, and it shall submit the same at least seven months before the beginning of the financial year to the competent governorate council. The latter shall examine and refer the budget with its observations to the prime minister six months before the beginning of the financial year. The prime minister shall take the necessary procedures to examine and approve the projects and their necessary allocations. Based on the approved projects and allocations, the municipal council shall prepare the development budget of the municipality, which shall be issued by a decision by the prime minister.

Article (39)

Every council shall prepare a final account for the past year within three months at most from the end of the financial year.

The minister of the Treasury shall approve the final account of governorates, whereas the governor shall approve the final account of municipalities.

Article (40)

The council may only engage in projects that entail spending in the coming year(s) under the terms and conditions set forth in the budget and in accordance with the laws and regulations in force.

Section (3)

Rules of Work of Local Administration Councils

Article (41)

The council shall hold an ordinary session at the designated venue at least once every month, at the invitation of the chairman who shall set the date thereof. The council shall hold successive sessions until all the matters on the agenda are deliberated.

Article (41)

The chairman may convene an extraordinary session of the council. He shall convene such session if one-third of the council's members requests so in writing. The chairman may abstain from calling for an extraordinary session more than once a month. During the extraordinary session, the council may only deliberate the matters for which it has convened.

Article (43)

The governor shall represent the governorate council and the mayor shall represent the municipal council before courts and other bodies and in their respective relations with third parties.

Article (44)

The council's session shall only be deemed valid in the presence of the majority of its members. In the absence of this majority, the session shall be delayed for no less than three days and no more than seven days, in which case the absent members are called to attend the session. If quorum is not met at this session, the meeting shall be postponed again for ten days at least and the prime minister shall be notified immediately. In the event that quorum is not met in the following session, the session shall be deemed valid and shall only look into the matters on the deferred agenda that do not require a special majority for approval. The council's decisions shall then be issued by the absolute majority of the members present unless a special majority is required. In the event of a tie, the side on which the chairman voted shall prevail.

Article (45)

Every council shall issue its internal regulation within three months from its first meeting in accordance with the conditions set by a decision issued by the prime minister. Every council may include special provisions in its internal regulation provided that such provisions are approved by the prime minister.

Article (46)

The council shall form a committee of its own members for every competence entrusted thereto. This committee shall conduct studies and research on the topics falling under such competence, provided that it submits its proposals to the council for the necessary decision to be taken.

The council may, with the consent of the prime minister, entrust any of its competences to any committee thereof.

The council may also appoint as members of its committees any employee thereof that it deems fit and any other experienced individuals.

The internal regulation of every council shall specify the number of committee members and their rules of work.

Section (4)

Duties and Responsibilities of Local Administration Council Members

Article (47)

The membership of the council is four years. Half the elected and selected members shall be renewed every two years. At the end of the first two years, half the elected and selected members shall be removed by lot, whereas the membership of the other half shall end upon the expiration of the four-year period. Those members may be re-elected and re-selected.

Article (48)

Members who are not appointed ex officio may not be members of more than one council or members of the councils of public bodies and institutions and they may not assume public functions.

If such duplication occurs and the concerned member does not resign from the council or the other councils or from his function or position within eight days, the prime minister shall issue a substantiated decision terminating his membership.

Article (49)

Prior to taking office, mayors and council members shall take the oath stipulated in Article (8) herein before the governor in an open session.

Article (50)

Non-ex officio council members shall earn a monthly remuneration determined by a Cabinet decree. The value of such remuneration shall take into account the volume of the work in each council, and it may be combined with the salary.

Article (51)

Any member may inform the chairman of any item he deems fit to include on the council's agenda at least one week before the meeting. The chairman shall include the members' proposals and topics on the agenda if they fall under his jurisdiction.

Article (52)

If the elected or selected member misses the sessions of the council or the committees with which he is affiliated without an acceptable excuse for more than three consecutive times, or is absent without an acceptable excuse for over one-fourth of the sessions in one year, or his health condition prevents him from performing his duties as a member, he shall be resigned. Such resignation shall be determined by a council decision after hearing the concerned member or proving his absence from the hearing session which may only be held after seven days from the date of summoning the member thereto.

If an ex officio member is absent in the manner prescribed in the foregoing paragraph, the council shall notify the governor to take the action he deems appropriate.

Article (53)

If the elected or selected members fails to meet any membership requirement set forth in Article (6) or loses any such requirement during his term in the council, or if his membership in the Arab Socialist Union is terminated, the council shall issue a decision to terminate his membership and shall declare his position vacant.

Article (54)

If it is proven that any elected or selected member has lost the trust or respect required for his membership in the council, his membership may be terminated by a decision issued by the prime minister based on the decision of the competent council, which shall be taken by the majority of one-third of its members.

The council may decide to suspend any member thereof for solid reasons, based on a decision issued by the majority of one-third of the members present, until the council takes its final decision in this regard.

Article (55)

Elected or selected members shall submit their resignation from the council to the chairman, who shall refer the same to the council at its next session. The resignation shall be deemed accepted if the council approves it or fails to settle it within two months, in which case the council shall declare the position vacant and notify the prime minister thereof.

Article (56)

If the position of an elected or selected member becomes vacant, it shall be filled within two months from the date of announcing the vacancy. In this case, the new member shall continue the term of his predecessor.

Article (57)

It is prohibited for the chairman and members of the council to attend the sessions of the council or its committees if they themselves or any of their relatives or in-laws up to the fourth degree have a personal interest therein, whether personally or through an intermediary, or if they are have interest therein in their capacity as guardians, custodians, or representatives, otherwise the council's decision in this regard shall be deemed null and void.

Article (58)

It is prohibited for the chairman or any member of the council to enter with the council, whether personally or through an intermediary, into any contracting, procurement, or engagement agreements or any other contracts, or to provide a remunerated service thereto, with the exception of usufruct contracts for utilities and services.

However, the Cabinet may authorise sale and rent agreements between the local council and its chairman or members depending on each case.

Any violation of the provisions of this article shall entail revocation of the act.

Article (59)

The chairman or any member of the council may not act as an attorney or expert in any action against the council, or purchase or rent an object or right that is the subject of a dispute with the council, or own the same in any way other than inheritance, otherwise the act shall be deemed null and void.

Article (60)

Any violation of the prohibition stipulated in the three preceding articles shall entail the withdrawal of confidence and respect.

Article (61)

The rules and provisions pertaining to the accountability, disciplining, and interrogation of governors and mayors shall be determined by a Cabinet decree.

Section (5)
Employees of the Local Administration Unit

Article (62)

The employees of local administration units shall be governed by the provisions of the laws on civil service and retirement and the regulations issued in accordance therewith in the cases where this law makes no provision.

Article (63)

The employees of each governorate and municipality shall be considered an independent unit in terms of seniority and promotion.

Article (64)

Except as provided herein, the governor shall have for the governorate's employees, and the mayor for the municipality's employees, the competences entrusted to the minister in the law on civil service and its executive regulations.

Article (65)

Ex officio members of the governorate council shall have the powers and competences of the heads of departments in administrative and financial affairs, each within his jurisdiction.

Article (66)

Every governor and mayor shall plan the staffing of the governorate or municipality, which shall determine the number and grades of positions, with the consent of the governorate council for the former and the municipal council for the latter.

Such staffing shall only become effective after its approval by the civil service committee.

Article (67)

Every governorate and municipality shall have a general secretary having the powers and competences of the heads of department in administrative and financial affairs with relation to the general office of the governorate or the municipality.

Article (68)

Every governorate and municipality shall have a personnel committee.

Such committee shall be formed in the governorate with the general secretary as chairman and the director of financial affairs as member, in addition to an ex officio member selected by the governorate council, a delegated member from the civil service ministry, and a legal advisor. In the municipality, the committee shall be formed of the secretary general as chairman and the municipality's financial officer as member, in addition to a member of the council designated by the council, a delegated member from the civil service ministry, and the legal advisor of the municipality or the governorate.

The committee shall be formed by a decision by the governor or the mayor, depending on the case. Except as provided herein, the committee shall issue the decisions pertaining to the

appointment or promotion of the governorate or the municipality's employees and other job affairs. Such decisions shall only become effective after they are approved by the competent governor or mayor. After approval, the committee's decisions shall be notified to the competent entities.

In exception to the foregoing provisions, the decisions pertaining to the promotion, transfer, reassignment and secondment of first-grade employees shall be issued by the Cabinet.

Article (69)

The personnel committee shall produce a regulation organising its procedures, which shall be issued by a decision by the competent governor or mayor. Sessions of this committee shall only be deemed valid in the presence of three members at least, including the chairman or his delegate. Decisions shall be taken by the majority of votes. In the event of a tie, the side on which the chairman voted shall prevail.

Article (70)

The disciplinary trial of the governorate or municipality's employees shall be conducted before a disciplinary board. Such board shall be established for every trial by a decision issued by the governor or the mayor, with the secretary-general as chairman and a member from the governorate council or the municipal council, depending on the case, who shall be designated by the said council, in addition to a legal advisor.

First-grade employees shall be exempted from this provision. They shall be tried before the supreme disciplinary board.

Article (71)

Without prejudice to the provisions of the last paragraph of Article (68) herein, employees of local administration units may be transferred by a decision by the minister of civil service to other ministries and departments and vice-versa, subject to the approval of the concerned minister and the governor or mayor. Transfers within local administration units and between such units and public bodies and institutions shall be effected by mutual consent of the transferring and receiving entities. The transfer decision shall be issued by the transferring entity.

In all cases, transfer should be accepted by the concerned employee, unless such transfer is stipulated by a Cabinet decree at its discretion.

Section (6)

Financial Affairs of Local Administration Units

Article (72)

The executive regulation of this law prescribes the rules pertaining to the types of fees, returns, wages, and royalties of local character, as well as the cases in which they are imposed, the relevant complaint procedures, their reduction conditions, and collection methods.

Article (73)

The collection, keeping, spending, exemption, and prescription of fees, returns, wages, and royalties of local administration units shall be governed by the rules applicable to public funds.

Article (74)

The assets of local administration units shall be subject to the financial system law of the State and its executive regulations as per the conditions and procedures determined by a Cabinet decree where no special provision is made herein.

The regulation concerning government tenders and bids shall apply to administration units, provided that the competences of the central tenders committee are exercised by a tenders committee formed at each council by a decision thereof, which shall include five council members from whom a chairman is selected by the council.

The committee's decisions shall be final upon approval by the governor or mayor, with the exception of tenders exceeding ten per cent of the council's total development allocations, which shall only take effect upon their approval by the competent minister for the sector to which the project under bid pertains, or by the competent governor for municipalities.

The governor or mayor shall exercise the competences vested in ministers in the aforementioned regulation.

Article (75)

Local administration units shall be exempted from all taxes and fees, save for customs duties.

Section (7)

Oversight of Local Administration Units' Activity

Article (76)

Each ministry shall, with regard to the utility under its control, issue the necessary decisions and directives to implement the public policy of the State and follow-up on the performance of the governorate and municipality's activities.

For this purpose, it may notify any directions and instructions it deems appropriate for performing its share of such utility. Each ministry may, by a prior agreement with the council, contribute to the works and projects falling under the jurisdiction of such councils. The Cabinet may assume the general oversight of the works and services of the local councils and the activity of its public utilities.

Article (77)

Each ministry shall inspect the activities of the governorate or the municipality in the matters related to the utility under its control. It shall also monitor the implementation of the laws and regulations governing such matters, and report its findings to the prime minister. These reports shall be taken into account upon determining the financial allocations of governorates and municipalities. The audit office shall inspect the accounts of governorates and municipalities.

Article (78)

Councils shall send out its meeting minutes and decisions within one week from their issuance to the prime minister and the ministers, each within their mandate, who shall be entitled to object thereto within two weeks from the date of receipt. Such objection shall be substantiated and in writing. The council shall express its view on the objection at its next session. If the council insists on its decision, it shall be referred to the Cabinet to take the appropriate decision.

Article (79)

When necessary, the governorate council or municipal council may be dissolved by a Cabinet decree, based on the proposal of the prime minister.

These councils may not be dissolved by comprehensive action. Moreover, the council may not be dissolved twice for the same reason.

Article (80)

When the decision of dissolution is issued, the prime minister shall issue a decision to form an interim council provided that it is composed of a number of qualified members who are concerned with the council's affairs in addition to the ex officio members of the dissolved council.

The interim council shall replace the dissolved council and exercise its competences until a new council is formed.

Section (8)

General and Transitional Provisions

Article (81)

The administrative justice shall be solely responsible for settling appeals against the elections of local councils. It shall also settle the appeals against the decisions set forth in Articles (52), (53), and (54) herein free of charge.

Article (82)

The governorate council may mandate part of its competences, with the exception of control and oversight of municipal councils, to the municipal councils under its jurisdiction. The mandate decision shall only take effect after its approval by the prime minister.

Article (83)

The governor may mandate part of his competences to any ex officio member of the governorate council or to the competent mayor.

The governor may also mandate part of its competences to the competent director of the municipal branch after consulting the concerned mayor. The governor shall notify the prime minister and the competent mayors of municipalities of the mandate decisions upon their issuance.

Article (84)

Every municipal branch shall have a director in charge of its management. The mayor may entrust the director of a municipal branch with part of its competences. The mandate decisions shall be notified to the competent governor upon their issuance.

Article (85)

Every locality shall have a mukhtar. The appointment requirements of mukhtars, the regulation of their status, and the identification of their competences shall be stipulated by a decision issued by the prime minister. Their remuneration shall be decided by a Cabinet decree, which may be added to their salary.

Article (86)

1. The governorates' division into districts and directorates shall be repealed. District administrators, directors of directorates, and other district and directorate employees shall be transferred with the same professional status to local administration units by a decision by the competent governor.
2. Existing localities and municipal branches shall remain in their current jurisdiction until the issuance of a modification or abolishment decision.
3. The mayor shall replace the district administrator. The mayor or the director of the municipal branch, depending on the case, shall replace the directorate's director in relation to the competences entrusted to the district administrator or the director at the time of entry into force of this law, until the issuance of a revocation or modification decision by the competent entity.
4. Disciplinary actions brought before the council as it was in charge thereof before the entry into force of this law shall be referred to the disciplinary boards established by virtue of this law.

Article (87)

In exception to the provisions of the foregoing article, directorates that exist outside the headquarters of municipalities or their branches shall remain in effect. These directorates shall exercise the competences stipulated by this law for municipal branches until an abolishment or modification decision is issued by the competent entity.

Article (88)

Municipalities may form a municipal guard to enforce the municipality's regulations, decisions, and orders. The municipal guard shall assume all the powers of judicial officers within the limits of the municipality's competences. The prime minister shall issue a regulation on the organisation of the municipal guard as well as the service requirements and system thereof.

Article (89)

Any violation of the regulations issued by governorate councils or municipals councils in execution of their competences prescribed by this law shall be punished with imprisonment for a period not exceeding seven days and a fine not exceeding ten Libyan dinars, or by either penalty, without prejudice to any harsher penalty stipulated by the Penal Code or other laws.

In all cases, the mayor shall have the power to remove through administrative means the causes of the violations of the laws and regulations implemented by the mayor at the expense of the violator, in accordance with the provisions of the executive regulation. However, if such removal requires the demolition of buildings or facilities that are in contravention of the laws and regulations, it may only occur by order of the judge of provisional matters at the competent court of first instance, except for the cases of transgression on public roads. The judge may decide to hear the concerned persons before issuing such order.

Article (90)

Upon conviction for the violation of the laws and regulations according to which a permit is issued, the competent court may revoke such permit or suspend it for a specified period.

Article (91)

In exception to Articles (5) and (15) of this law, governorate and municipal councils and interim bodies that are established to exercise the competences of municipal councils existing at the time of entry into force of this law shall remain in effect under their current composition until they are re-established in accordance with the aforementioned articles, within a transitional period not exceeding one year from the date of issuance hereof.

Article (92)

The qualifying requirement stipulated in Article (6) hereof shall not be applicable to council members who are selected or elected within five years from the issuance of this law.

Article (93)

The Cabinet may entrust any ministry with the acts mandated herein to local councils.

Article (94)

Mayors' positions may be filled by secondment of civil servants, employees of public institutions and bodies, members of the armed forces, and police officers. Secondment shall be decided by a Cabinet decree.

Article (95)

Without prejudice to Article (86) hereof, governorates and municipalities that are established and existing at the time of entry into force of this law shall remain with their current administrative divisions until they are re-established or re-divided in accordance with the provisions hereof.

Article (96)

The jurisdictions of judicial, administrative, and other entities which are defined according to abolished districts or directorates shall remain in their current status until their amendment by a decision issued by the competent authority.

Article (97)

Ministries whose competences are transferred to local councils shall be re-organised in a way that is consistent with the local administration system. Such re-organisation shall be

determined by Cabinet decrees based on the proposal of the competent minister and upon agreement with the minister of civil service.

Article (98)

The administrative services of local councils shall be re-organised in accordance with the rules and instructions issued by the minister of civil service. Such re-organisation shall particularly take into account the following:

1. Unify administrative services that perform the same or similar activity.
2. Share responsibilities among employees and decentralize the competences of directors.
3. Local councils shall complete this process within six months from the entry into force of this law in cooperation with the ministry of civil service.

Article (99)

The executive regulation of this law shall be issued by the Cabinet within a period not exceeding six months from the entry into force hereof.

Article (100)

Law No. (62) of 1970 on the local government system and Law No. (79) of 1971 on the organisation of the Ministry of Local Administration shall be repealed. Any provision contravening the provisions of this law shall be repealed. However, regulations and executive decisions issued in accordance therewith shall remain effective insofar as they do not contravene the provisions of this law until an amendment or repeal is issued. Regulations and decisions issued by municipalities, including those pertaining to fees, returns, wages, and royalties shall remain effective insofar as they do not contravene the provisions of this law until an amendment or repeal is issued.

Article (101)

The prime minister or his delegate shall replace the minister of local administration in his competences stipulated by Law No. (36) of 1968 on civil status, Law No. (5) of 1969 on planning and organising cities and villages, Law No. (142) of 1970 on tribal lands and wells, Law No. (155) of 1970 on passage to farms and agricultural lands, Law No. (44) of 1971 on the family record system, and their executive regulations, in addition to other laws and regulations in force pertaining initially to the activity of local administration.

Article (102)

The financial allocations prescribed for the (abolished) ministry of local administration in the general budget and the development budget for the financial year 1972-1973 shall be transferred to the competent entities. Such transfer shall be stipulated by a Cabinet decree. Employees and workers of the (abolished) ministry of local administration shall be distributed by a Cabinet decree to ministries, departments, and public authorities based on their needs.

Article (103)

The ministers shall implement this law, each within his mandate. This law shall enter into force from its date of issuance and it shall be published in the Official Gazette.

Revolutionary Command Council – Libya
Major Abdessalam Ahmed Jalloud
Prime Minister

Issued on 18 Shaaban 1392 AH
Corresponding to 26 September 1972 AD

Memorandum

Explanatory Memorandum on the Local Administration System

The local administration system is one of many achievements offered by the 1 September Revolution to the Arab people of the Libyan Arab Republic. The foundations of this system were laid by Law No. (62) of 1970 issued by the Revolutionary Command Council on 21 Rabi' al-Awwal 1390 AH, corresponding to 27 May 1970 AD, with the aim of providing services to the citizens and engaging them in the management of local facilities related to their living situation, all within a decentralised framework in which local bodies handle the implementation process, and central bodies assume the planning mission as well as the follow-up on and oversight of the implementation. This process would occur based on a close relation between these authorities that is regulated by law so as to ensure that planning is based on local needs and aspirations, and that implementation fulfils those needs and aspirations.

Since the issuance of the aforementioned law, the Libyan Arab Republic has taken great steps toward the implementation of this system. It has in fact established an organisational structure for local administration units, which extends to all the localities of the Libyan Arab Republic. All the ministerial branches that provide local services were moved to the governorates along with all their employees, bodies, and financial allocations.

When competences were transferred to governorates, the implementation of the local administration system entered into a new phase. It became necessary to develop certain law provisions that ensure a higher degree of decentralization, close gaps, solve the problems that were detected during the implementation process in the previous stage, and give a new revolutionary momentum to the local administration system. The aim is to support local bodies and grant them full executive powers, expand services, and develop local utilities throughout the Republic. For this purpose, the Revolutionary Command Council issued the annexed law to replace Law No. (62) of 1970 on the local administration system. Below are the main amendments set forth by the new law:

I. Eliminate duplication of local administration bodies

Law No. (62) of 1970 divides governorates into districts and directorates. These are administrative divisions in which district administrators or directors, depending on the case, assist the governor in performing his assigned competences within the limits of the powers mandated to them by such governor. At the same time, every governorate comprises a number of municipalities that cover the entire governorate. Each municipality has branches that are managed by the directors of municipal branches. Application on the ground showed that the competences of district administrators may be added to those of mayors, and that the competences of the directors of directorates may be added to those of the directors of municipal branches, hence eliminating the duplication resulting from having two local administration officers in one entity, and therefore achieving great progress towards facilitating reviews and the easy conduct of citizens' business.

For this reason, the new law eliminates the division of governorates into districts and directorates, leaving only the municipalities established in the governorate. Municipalities are divided into directorates or localities, and they shall comprise branches, with each branch involving one or more directorates or localities. Every locality shall have a mukhtar. The law authorises the governor to mandate some of his competences to mayors or to the directors of municipal branches. It also authorises mayors to mandate some of their competences to the directors of municipal branches. This way, the hierarchical structure of local administration shall begin with the mukhtars of localities, followed by the directors of municipal branches, and then mayors, and lastly governors, in close correlation that provides easy access to services and ensures the exercise of powers in every region, no matter how remote. This new development allowed the elimination of previous duplication whether in administrative division or competences, the unification of responsibility, and further facilitation and ease of access to citizen services. Moreover, efforts and human capacities were saved for other services and responsibilities.

II. Re-organisation of local administration units' oversight

The transfer of local competences and utilities to local administration units requires granting more executive powers to local administration bodies, as well as reconsidering their relations with central bodies, in order to ensure that competent ministries are able to oversee the proper work progress of local utilities and services and to establish a single entity in charge of general oversight. Therefore, the law entrusts the Cabinet with producing the planning policy for the implementation of the local administration system and the local councils' activity within the general policy of the State. The law assigns the general oversight of such implementation to the prime minister, entrusting every ministry with the oversight and follow-up on the implementation of utilities under their jurisdiction. Hence the law has regulated the oversight of local administration units in a way that is consistent with the full powers vested in governorates and municipalities for the implementation and management of local utilities.

III. Amendment of provisions pertaining to the composition of governorate and municipal councils

The new law sets forth an amendment of the provisions regulating the composition of governorate and municipal councils, ensuring the following:

1. Reinforce the popular representation character of governorate and municipal councils:
The new law stipulates that the members of these councils be elected by general elections within one year at most from the issuance of the law, provided that the elected members constitute the majority in each council.
2. Amend the status of ex officio members in governorate and municipal councils:
According to the new law, these members are now considered local employees and are no longer affiliated with central ministries. This resulted from the transfer of local utilities to governorate councils, and it put an end to the duplication in their capacity, which sometimes lead to complications and obstruction.
3. Allow for mayors to be invited to the sessions of governorate councils.

The benefits thereof are obvious in terms of coordination between the governorate council and the municipalities under its jurisdiction.

IV. Strengthen the competences of governors, mayors, and local bodies:

The law has achieved tremendous progress toward supporting decentralization and allowing for the administration and management of local utilities and services without any disruption, delay, or complication. The relevant provisions set forth by the new law include:

1. Grant governors and mayors ministerial powers in administrative, personnel, and financial affairs.
2. Establish a personnel committee in every governorate and municipality that is in charge of issuing appointment and promotion decisions with regard to the governorate or municipality's employees, and other decisions related to their affairs. The committee's decisions take effect only after their approval by the governor or the mayor, depending on the case, with the exception of first-grade employees whose affairs are handled by the Cabinet. This is a great step in promptly meeting the needs of local utilities.
3. Establish a disciplinary board in every governorate that conducts the disciplinary trial for the staff of the governorate or of the municipalities under the governorate's jurisdiction, thus the law put an end to the tiresome and prolonged process of summoning employees to the central ministry for this purpose.
4. Grant the general secretaries of governorates and municipalities the powers of the heads of departments in administrative and financial matters with respect to the general bureau of the governorate and the municipality; grant the directors of service directorates at the governorates the powers and competences of the heads of departments in administrative and financial affairs, with the possibility of entrusting them with some of the competences vested in governors.
5. Facilitate the issuance of municipal regulations:
Municipal regulations pertain to local utilities that are in close connection with the citizens' daily life, which makes the uncomplicated process of their issuance very beneficial for the proper work progress and prompt execution. For this reason, the new law amended the relevant provisions so as eliminate the complicated and lengthy process required for their issuance where they had to be issued by the municipal councils first and then submitted to the governorate council before their referral to the minister for approval. Accordingly, these regulations are now issued by the municipal council and approved by the competent governor.
6. Reinforce the powers pertaining to the award of contracts and the quick implementation of local projects:
The new law establishes a quintet committee in every governorate or municipality, which assumes the competences of the central tenders committee. The decisions of this committee become final after their approval by the governor or the mayor. If the amount of the tender exceeds 10% of the total development budget of the council, the decisions of the municipal committee shall be approved by the governor and those of the governorate committee shall be approved by the competent minister.

The law entrusts the governor and the mayor with the ministerial powers set forth in the regulation on government tenders and bids, in order to speed the settlement of tenders relating to local projects and the implementation of such projects.

V. Simplify and organise the procedures pertaining to the budget of local administration units

The new law has introduced a major development of the provisions pertaining to the preparation and issuance of the budgets of local administration units, with a view to simply the procedures, eliminate complications, and regulate the relation between central bodies in charge of planning, and local bodies in charge of implementation. Key amendments include:

1. A development budget is established for every governorate, which shall be prepared at first in the form of projects proposed by the governorate council. These projects are referred to ministers, each within their mandate, who shall study them and refer them to the competent entities in order to approve the necessary allocations. Afterwards, the governorate council prepares the governorate's development project in light of the approved allocations.
2. A development budget is established for every municipality, which shall be prepared at first in the form of projects proposed by the municipal council. These projects are referred to the governorate council, which refers them in turn to the prime minister in order to take the necessary actions for their examination and approval of the necessary allocations. Afterwards, the municipal council prepares the development project in light of the approved allocations.
3. The development budget for every local administration unit is issued by a decision by the prime minister, whereas the administrative budget is issued by a decision by the minister of the Treasury.
4. To ensure proper implementation of the projects approved in the development budgets of governorates, the law requires that the implementation follow the designs produced by the competent ministry.
5. The final account of governorates is approved by the minister of the Treasury whereas the final account of municipalities is approved by the competent governor.

VI. Re-organisation of ministerial and administrative bodies in local councils:

The law includes provisions to reconsider the administrative organisation of both central and local bodies in conformity with the service expansion objectives of the local administration system, while the central bodies are solely responsible for planning and follow-up. Accordingly, the law requires central ministries whose executive competences have been transferred to re-organise themselves in conformity with the new system. It also requires local administration units to unify the administrative bodies that exercise the same activity or similar activities to eliminate duplication and avoid the waste of human capacities, within six months from the issuance of the law. According to the law, responsibility should be shared

among employees and competences should not be monopolised by superiors, in order to speed the work progress and provide services to citizens.

These are the main amendments brought forth by the new law. We hope that the issuance of this law gives a new revolutionary momentum to the local administration system, which aims first and foremost to facilitate access to services by the citizens, extend those services to the entire republic, and fulfil local needs and aspirations.

May God grant us success

The Prime Minister