

Law No. 59 of 2012
Concerning the Local Administration System

The Interim National Transitional Council (NTC)

Upon review of:

- The interim Constitutional Declaration issued in 2011/2012 and the amendments thereof;
- The statute of the NTC;
- The internal regulations of the NTC;
- The proposal of the Minister of Local Government;
- And the decisions of the interim National Transitional Council issued in its session of Tuesday 12/06/2012;

issued the following law:

Article (1)

Scope of Implementation

The provisions of this law shall be applicable to all local administration units across the State.

Article (2)

Definitions

For purposes of this law, the following terms and expressions shall have the meanings ascribed to them unless the context indicates otherwise:

State: the State of Libya

Minister: Minister of Local Government

Council: The provincial council, municipal council, High Council of Local Government, or the Supreme Council of Regional Planning, depending on the case.

Unit: The local administration unit, regardless of its name

Governor: President of the provincial council, elected in accordance with the provisions of this law

Mayor: Head of the municipal council, elected in accordance with the provisions of this law

Deputy: Deputy of the province office or deputy of the municipality office, and the executive who oversees the accomplishment of all the activities of the Unit.

Law: The law on local government system

Executive Regulation: The executive regulation of the law on local government system

Legislation: the laws, regulations, decisions and codes of procedures governing the local government units, depending on the case.

Chapter (1)

Local Administration System

Article (3)
System Constituents

The local government system in Libya consists of provinces, municipalities and localities.

Article (4)
Establishment of Local Administration Units

- a. The establishment of provinces, and the geographical scope, headquarters, designation, incorporation and abolition thereof shall be determined by law.
- b. The establishment of municipalities and branches thereof, and the geographical scope, headquarters, designation, incorporation and abolition thereof shall be determined by a Cabinet decree at the proposal of the Minister.
- c. The establishment of localities, and the scope, designation, incorporation and abolition thereof shall be determined by a decree of the Minister at the proposal of the Governor.
- d. Administrative units shall be established in light of the natural, demographic, economic, developmental and security circumstances of each local unit, achieving integration of service and production units.

Article (5)
Independent Legal Personality and Financial Liability

All provinces and municipalities shall have legal personality and independent financial liability.

Article (6)
Jurisdiction of Local Administration Units

Local administration units shall, within the limits of public policy and the general plans of the State, establish and manage all public utilities within their scope, and shall oversee the employees thereof based on the general directives of the Ministry of Local Government.

Such units shall, each within its jurisdiction, assume all functions entrusted to ministries by the laws and regulations in force, except those related to national or special utilities, which shall be determined by a Cabinet decree.

The Executive Regulation shall identify the utilities to be established and managed by provinces and those to be established and managed by other local administration units. The Executive Regulation shall indicate the functions prescribed by this Article that shall be exercised by provinces, municipalities and units.

Provinces shall exercise all functions related to public utilities that do not fall under the jurisdiction of other units in the province.

Article (7)
Provincial and Municipal Councils

Each province and municipality shall have a council that is formed in accordance with the provisions of this law. Such Council shall bear the name of the region thereof and shall have its headquarters in the capital thereof.

Article (8)
Council Membership

For a person to be selected as Council member, he must meet the following requirements:

1. He shall be a Libyan citizen enjoying full civil rights, unless deprivation thereof is due to a political case against the former regime.
2. He shall be legally competent and no less than twenty-five years of age (Gregorian).
3. He shall not assume any other official job or position during his term as Council member.
4. Before taking office as Council member, he shall submit a financial disclosure for himself, his spouse and children, including a complete account of their movable and immovable property.
5. He shall not have been dismissed from a State job by final disciplinary action, unless such dismissal is due to a political case against the former oppressive regime.
6. He shall be of commendable conduct and good reputation, and shall believe in the principles and goals of the February 17 Revolution.
7. He shall not be convicted of a felony or misdemeanour that contravenes morality or ethics, unless he has been rehabilitated.
8. He shall not have been previously affiliated with the Revolutionary Guard Corps, revolutionary committees, or the Internal or External Security forces. He shall not have tortured, killed or harmed the opponents of the former oppressive regime or assumed a high leadership position under such regime, unless he took part in the February 17 Revolution or joined the Revolution after its outbreak.
9. He shall not have illegally acquired any State-owned funds or any money from any person by bribery or during the exercise of the duties entrusted to him within the institutions of the former oppressive regime

Article (9)

Term of Local Councils

The term of provincial and municipal Councils shall be four years unless such Councils are dissolved before the end of their term. Council members shall work on a full-time basis.

Article (10)

Legal Oath

Before taking office, all governors, mayors, members of provincial and municipal Councils and mukhtars of localities shall publicly take the following oath in the conference hall of the Council:

"I swear by Almighty God to perform my duties with honesty and integrity, to observe the law and the internal regulations of the Council, to fully respect the interests of the Libyan people and to preserve the independence, security and unity of Libya", in the presence of the Minister or the delegate thereof. They shall sign the oath document to be kept in the Council's files.

Chapter (3)

Provinces

Article (11)

Components of the Provincial Council

The provincial council shall consist of the following constituents:

- a. Members of municipalities located in the province, to be elected by direct secret ballot, with at least one member for women and one member from revolutionaries with special needs.
- b. The Governor, who shall act as the President of the Council and shall be elected by the Council members by secret ballot.
- c. The criteria for the election of provincial council members in proportion to the population, the additional requirements for such members, the financial and professional treatment thereof, and election mechanism and procedures shall be set forth by the Executive Regulation.

Article (12)

Jurisdiction of Provincial Councils

Within the limits of the public policy of the State, the provincial council shall assume, the oversight, guidance, control and follow-up of administrative and financial affairs of the province. It shall also be responsible for the general oversight of municipal activities and the various utilities and activities that fall under the jurisdiction of the province in accordance with the law.

Such Council shall oversee and follow up on the execution of local development plans as prescribed by law and the Executive Regulation.

Within the framework of the law, the general plan, and the approved budget, the Council shall particularly undertake the following:

- a. Elect, interpellate and request the removal of the Council president.
- b. Elect, interpellate and withdraw confidence from the chairmen of the Council committees.
- c. Endorse the budget of the province after the Cabinet approves the allocations of the Ministry of Local Government.
- d. Issue recommendations on plans and proposals related to local peace and order.
- e. Propose the creation of free zones and joint investment enterprises with Arab or foreign capital.
- f. Conduct joint projects with other provinces or with other local units or legal entities in the province with the consent of competent planning authorities, subject to the relevant provisions of the law in force.
- g. Assume functions related to municipal council projects within the province, which cannot be handled by such councils.
- h. Study and prepare family planning and literacy plans and projects in the province, and provide the requirements and follow up on the implementation thereof.
- i. Oversee local cultural activity, celebrations and festivals.
- j. Other functions stipulated by applicable laws or regulations, or by mandates or directives issued by the Cabinet or the Minister.

Article (13)

Cooperation Facilities in the Field of Human Development and Defence

Within the capacities of the province, the provincial council shall provide all necessary facilities to establish or operate the following utilities:

- a. Public health utilities
- b. Establishment of universities, colleges and higher institutes in the province, in agreement with the provincial council, the competent university council and the competent Minister, provided that the Governor and the chancellor are responsible for security on campus as prescribed by the Executive Regulation.
- c. Plots of land requested by the Ministry of Defence and the Ministry of Transport.
- d. Central facilities located in the area of the province to serve the environment and promote the local community
- e. Legal and administrative facilities for public sector and investment projects that create job opportunities in the province
- f. Other facilities prescribed by the Executive Regulation.

Article (14)

Functions of Governor

- a. The Governor shall be considered a representative of the Legislature in the province and shall oversee the implementation of the public policy of the State and the service and production utilities therein.
- b. The Governor shall be the president of the provincial council. He shall oversee the activities thereof and issue executive decisions in its name.
- c. The Governor shall represent the province before the judiciary and third parties.
- d. He shall adopt the general rules for provincial bodies' interaction with citizens in all fields, and enforce the codes of procedures of the province.
- e. He shall refer budgets and reports, the final accounts of the province, and the components thereof.
- f. He shall represent the Council in internal conferences, and take part in government-run seminars, discussions and studies.
- g. He shall regulate and oversee professional and administrative affairs in the province.
- h. He shall represent the province at the meetings of the High Council of Local Administration and those of regional economic councils.
- i. He shall assume the public responsibility of guaranteeing social and food security to citizens of the province, promoting and increasing the efficiency of industrial and agricultural production. He may take all necessary procedures to do so through provincial bodies within the limits of laws and regulations.
- j. He shall preserve security, ethics, and public values in the province within the framework of the policy of the Minister of Interior, and he shall approve the security plans in the province.
- k. He shall handle the general oversight of national utilities in the province and all the business of ministries whose functions are not transferred to local units, save for judicial bodies and the assisting entities thereof, by providing comments and proposing necessary solutions with respect to production and good performance.
- l. Other functions assigned by laws or regulations, or mandates or directives issued by the Cabinet or the Minister.
- m. The Governor shall report the Council's decisions, recommendations and proposals to the High Council of Local Administration within fifteen days of their issuance.

Article (15)
Powers of the Governor

The Governor may take, by administrative means, the necessary measures to address serious and sudden circumstances of which he is officially or personally notified, in particular:

1. Procedures for protection of the State's public and private property, and for removal of any infringements thereon through administrative means.
2. Initiate and enforce quarantine, and start fighting epidemics and pandemics until other competent authorities take charge.
3. Manage crises and natural disasters until other competent authorities take charge.
4. Disburse urgent aid and immediate shelter from the social services fund until other competent authorities take charge.
5. End violations, cancel the processes thereof, and address grievances of which he is directly informed or that happen before him, before notifying competent authorities thereof.

The Governor shall immediately notify the Minister of any dangerous circumstances and the procedures taken in that regard for approval.

Article (16)
Administrative Liability of the Governor

The Governor shall be responsible before the Minister for performing his functions as prescribed by this law. He shall commit to submitting regular reports to the Minister on the outcomes of the different activities carried out by the province and any matters that require coordination with other provinces or concerned ministries, provided that the Minister submits to the Prime Minister periodic outcome reports on the activities of provinces.

Article (17)
Delegation of Functions

- a. All the ministers of ministries whose functions have not been transferred to local units may delegate some of their functions to the Governor.
- b. The Governor may delegate some of his functions to any of the provincial council members or heads of public bodies or departments in the provinces, depending on the functions.

Article (18)
Procedures of Provincial Councils

- a. The provincial council shall hold periodic monthly meetings at the province headquarters at the request of the Governor. If the Council is not called to convene, it shall meet after one week from the date of the periodic meeting.
- b. The provincial council may hold an extraordinary session at the request of the Minister, the Governor or two thirds of its members.
- c. If the Council is unable to meet due to *force majeure*, the Council may take pass-through decisions with the consent of all members.
- d. The Council may, when necessary, invite experts, consultants, or representatives of civil society institutions to some sessions thereof, and may include the same in deliberations without the right to vote.

- e. The Governor shall inform the Minister of the Council's decisions within fifteen days of the issuance thereof. If such decisions are not objected to within one month, they shall be deemed effective.

Article (19)

Quorum and Vote

- a. Meetings of the provincial council shall not be deemed valid unless a simple majority of its members is present, which consists of half the members plus one.
- b. Decisions of the Council are taken by direct voting with a two-thirds majority of the members present plus one.

Article (20)

Demonstration and Sit-in Requests

The Council shall be required to look into the demands raised by demonstrations and sit-ins and into the petitions of civil society organizations, which are referred by municipalities with the recommendations of their municipal councils, and it shall adopt the necessary recommendations in such regard.

Article (21)

Specialized Committees and Provincial Shura Council

- a. The Council shall elect by direct ballot the chairmen and members of specialized committees from its own members.
- b. The provincial council shall choose a Shura council of experts and consultants known for their competence and interest in local affairs and equalling half the number of the provincial council's members, in order to participate in meetings as decided by the Council without the right to vote.
- c. The Executive Regulation shall prescribe the requirements for the members of the provincial Shura council and the financial and professional treatment thereof.

Article (22)

Organization of Provinces

The administrative service of the Governor shall consist of the Governor and his affiliated offices and committees, and of the Province Office. The Minister shall issue a decree concerning the organizational divisions and standard functions of the local administration system units.

Article (23)

Provincial-Municipal Relations

At the provincial level, the relation between the Governor and municipalities shall be governed by the rules set forth in this law and the Executive Regulation thereof, in particular:

1. The right to issue enforceable decisions, directives and publications.
2. General work supervision and project oversight.
3. Endorsement or objection to the decisions of municipal councils within the limits set forth by the Executive Regulation.

4. Approval of the municipal councils' proposals concerning the establishment, abolition or incorporation of localities within the province's jurisdiction or changing the names thereof; and notifying the Minister of the same for approval or rejection.

Chapter (4)
Municipalities
Article (24)

- a. The municipality is the unit of the local administration executive system which aims to provide services directly to citizens.
- b. Each province shall have one or more municipalities.
- c. Municipal jurisdiction covers a number of localities and may include a number of municipal branches.
- d. The administrative boundaries of municipalities may be revised when necessary by the same means of establishment thereof.

Article (25)
Municipal Functions

In general, the municipality shall be in charge of the enforcement of municipal regulations, and the establishment and management of public utilities related to urban planning, organization, buildings, health and social affairs, water utilities, lighting, sanitation, roads, squares, bridges, local transportation, public hygiene, gardens, public recreation areas, shelters, real estate, spaces, public markets, and construction permits for tourism and investment projects within the boundaries of the municipality. The municipality shall establish and manage within its jurisdiction, whether personally or through an intermediary, the institutions that it deems able to execute the functions thereof in the manner prescribed by the Executive Regulation of this law.

In particular, the municipality shall assume the following functions:

- a. Civil Registry affairs
- b. Regulation of municipal guard, local markets and slaughterhouses
- c. Construction and management of local roads and bridges
- d. Issuing local permits
- e. Monitoring the environment and public health
- f. Establish and manage small business incubators in cooperation with competent authorities

Article (26)
Municipal Council

The municipal council shall be composed as follows:

- d. Members to be elected by direct secret ballot within the administrative jurisdiction of the municipality, with one member at least for women and one member from revolutionaries with special needs.
- e. The Mayor, who shall act as the head of the Council and shall be elected by the Council members by secret ballot.

- f. The criteria for the election of municipal council members in proportion to the population, the additional necessary requirements for such members, the financial and professional treatment thereof, and the election mechanism and procedures shall be set forth by the Executive Regulation.

Article (27)

Powers and Functions of Municipal Councils

The municipal council shall be responsible for regulating and developing municipal services, in particular:

1. Oversee the implementation of legislation and directives related to municipal affairs, and follow-up on work progress in accordance with the legislation in force.
2. Oversee the administration of the municipality and the activities of its Office; follow up on the execution of the decisions thereof and oversee the work progress in municipal branches and localities within its jurisdiction.
3. Propose municipal regulations
4. Suggest and implement the budget; determine the expenditure priorities within the municipality; follow-up on the disbursement and the conformity thereof with the legislation in force; and approve the final account of the municipality.
5. Invest, develop and advance municipal resources to improve the quality of local services; and grant initial approval for investment and charity permits.
6. Propose the allocation of investment credits, after approval thereof.
7. Propose the imposition, modification, exemption and abolition of fees of a municipal character, and determine the collection process thereof and collect the same.
8. Follow up on development projects in the municipality, submit reports thereon to the provincial council, handle small and medium projects within the municipality's jurisdiction and conduct a feasibility study thereof.
9. Follow up on the activities of executive units, and assess their performance and the proper execution of work in the municipality.
10. Provide localities with necessary administrative and technical units to perform their functions, and provide assistance and financial support to localities whose resources are not sufficient to meet their needs, within the limits decided by the Council.
11. Propose partnerships with other municipalities in the province to establish or manage other business or utilities.
12. Other functions vested in the municipality by laws and the Executive Regulation of this law.

Article (28)

Municipal Shura Council

The municipal council shall choose a Shura council of experts and consultants known for their competence and for their knowledge and expertise in local affairs and equalling half the number of the municipal council's members, in order to participate in meetings as decided by the Council, without the right to vote.

The Executive Regulation shall prescribe the requirements for the members of the municipal Shura council and the financial and professional treatment thereof.

Article (29)

Meetings of the Municipal Council

Meetings of the municipal council shall be deemed valid if a simple majority of its members is present. Decisions of the Council are taken by direct secret voting by the absolute majority of the members present. Decisions may be taken by consensus if no member objects thereto.

Article (30)

Meeting Minutes

1. The meeting secretary shall prepare the minutes of the meeting based on the deliberation, including meeting information such as the number, date, time and place thereof.
2. Proceedings shall be included in the minutes in the following order:
 - a. Approval of the agenda
 - b. Approval of the previous meeting's minutes and reservations thereon
 - c. Deliberation, decisions and recommendations concerning matters postponed from the previous meeting
 - d. Deliberation, decisions and recommendations concerning permanent items
 - e. Deliberation, decisions and recommendations concerning new topics
 - f. Other deliberation and decisions

New items may be added to the agenda of the Council in the following cases:

1. If a group of civil society organizations submits a petition of local demands
2. If at least 2% (or 500) of Libyan citizens submit a signed petition with a specific demand of a local character
3. If at least 1% (or 200) of citizens demonstrate for demands of a local character

The rapporteur shall prepare the minutes for signature in the next meeting. Minutes shall be signed by the mayor and the rapporteur.

Article (31)

Transparency in Decision-Making

Decisions of municipal councils shall be published within one month from their issuance in all media outlets that fall within the jurisdiction of the Council.

Article (32)

Municipal Council Committees

The municipal council shall, at the first meeting thereof, select the chairmen and members of specialized committees from its members.

Article (33)

Mayor

The mayor shall be the chief executive of the municipality and shall directly oversee the execution of the adopted work plan in accordance with the relevant budget and the legislation in force. He shall assume the financial and administrative functions of the Minister prescribed by the legislation in force with respect to municipal services, budget and associated utilities.

The municipal council shall elect the mayor from its members at the first ordinary meeting thereof.

- a. During the temporary absence of the mayor, he shall be replaced as head of the Council by the oldest member thereof.
- b. If the mayor's position becomes vacant, the Council shall elect a substitute therefor until the end of the Council's term.

Article (34)

Functions of the Mayor

The mayor shall carry out the functions stipulated by this law and the municipal regulations under the direct supervision of the Council and the general guidance of the governor in accordance with the provisions of the Executive Regulation.

Article (35)

Functions of the Municipal Bureau

The municipal office shall execute the decisions and directives of the municipal council and the mayor under the presidency of the deputy. It shall assume the executive functions in the municipality through its organizational divisions as prescribed by the Executive Regulation.

Article (36)

Affiliation of Municipal Branches

The municipal branch is affiliated with the municipal office and is subject to the authority thereof for guidance and direct supervision. It shall provide its services to localities within its administrative jurisdiction.

Article (37)

Powers and functions of the Municipal Branch

The municipal branch shall assume all functions related to municipal and utility services entrusted thereto by the municipality. Local service offices shall be established in municipal branches to offer services within the jurisdiction thereof, chiefly:

1. Enforce local policy in accordance with decisions and directives within the municipal branch,
2. Regulate economic, productive and service activities.
3. Carry out any function assigned thereto

Article (37)

Municipal Branch Management

The municipal branch shall be managed by a director appointed by a decision of the municipal council.

Article (39)

Locality

The locality is one of the local administration system components. Each locality shall have a mukhtar appointed by a decision of the governor at the proposal of the mayor. The mukhtars shall be selected on the basis of competence and merit provided that he is a Libyan citizen who resides in the locality and has completed his fortieth year (Gregorian).

Article (40)

Functions of the Mukhtar

The locality mukhtar shall be responsible for provision of notices, settlement of local disputes and reconciliation in civil and personal status disputes in accordance with the legislation in force, and participation in civil defense activities.

Article (41)

Full-Time Employment of Mukhtars and Heads of Municipal Branches

The directors of municipal branches and locality mukhtars shall undertake their job on a full-time basis. The financial and professional treatment thereof shall be determined in accordance with the law.

Chapter (5)

High Council of Local Administration and Supreme Council of Regional Planning

Article (42)

High Council of Local Administration

The High Council of Local Administration shall be established with the Minister or his delegate as president and governors and mayors as members. The Council shall examine all matters related to the constituents of the local administration system in terms of support and development.

Article (43)

General Secretariat of the High Council of Local Administration

The High Council of Local Administration shall have a general secretariat that handles the joint affairs of local units. It shall study and discuss the matters referred by such units, organise participation in international and local conferences on local administration and the training of local services staff, and offer advice to local administration units and work on unifying legal opinions issued regarding local administration affairs and creating leading experiences in some provinces.

Article (44)

Economic Regions

An economic region shall consist of one or more provinces and shall have a special council for regional planning as determined by a Cabinet decree at the proposal of the Minister and the Minister of Planning.

The councils of economic regions shall combine to form the Supreme Council of Regional Planning. The Supreme Council shall coordinate the plans of such councils according to relevant directives, and the methods and schedules issued by the Ministry of Planning and the Ministry of Local Government, and shall refer the same to the High Council of Local Administration.

Article (45)

Supreme Council of Regional Planning

The Supreme Council of Regional Planning shall be composed of the following:

- President of the Supreme Council of Regional Planning; presidency shall be annually alternated between the governors of the region's provinces.
- The governors of the region's provinces.
- Mayors of municipal councils in the district's provinces.

- Experts who are assigned by their ministries to the Council with the consent of the Minister.

Article (46)

Functions of the Supreme Council of Regional Planning

The Supreme Council of Regional Planning shall be in charge of the following:

1. Coordinate the plans of provinces and approve the priorities suggested by the Regional Planning Council, which shall be initially instituted as alternatives for the regional plan in light of the locally and centrally available resources.
2. Examine periodic reports to follow-up on the plan's implementation and to study the amendments suggested by the Regional Planning Council according to the circumstances of their implementation.
3. Submit the recommendations of the Council to the High Council of Local Administration to take necessary action in this respect.

Article (47)

Regional Planning Council

Regional planning councils shall be established by a Minister's decision upon consultation with the Minister of Planning. Their organization and relationship with provincial planning departments shall be determined by a decision taken by the Minister in agreement with the Minister of Planning.

Article (48)

Functions of Regional Planning Councils

Regional planning councils shall be in charge of the following:

1. Conduct necessary research and studies to determine the district's natural and human capabilities and resources and the development methods and best uses thereof, and propose necessary economic and social development projects for the district.
2. Prepare and refer draft projects and executive programs.
3. Produce an estimation of the technical cadres needed to conduct studies, research and planning at the regional level.

Chapter (6)

Financial Resources, Budgets, Accounts and Local Administration Units

Article (49)

Financial Resources of Provinces

The financial resources of provinces shall consist of the following:

- Ten percent of the gross central taxes levied in the province.
- Ten percent of all customs, transit, port and airport fees levied in the province.
- Fifty percent of the sales of buildings, lands fit for construction, and state-owned undeveloped lands located within the province.
- Revenues of the province and the utilities thereof.
- Central government subsidies in accordance with Article (58).
- Fees and charges of a local character.

- Donations, grants, and trusts accepted by the Council, provided that such donations, grants and trusts are received from foreign entities and with the consent of the Cabinet.

The provincial council shall distribute to municipal councils that fall under its jurisdiction a portion of its resources described in Paragraphs (a) and (b) of this Article, as may be determined by the Council, depending on the needs and circumstances of each municipality.

Article (50)

Charity Fund

The provincial council may institute a charity fund from the following resources:

- a. Fees imposed by the provincial council for the benefit of the Fund, within the limits determined by the Minister.
- b. A share of profits of the projects funded by the province. Proceeds shall go to the Fund.
- c. Donations, grants, and trusts offered to the Fund with the consent of the provincial council.
- d. The annual local resources surplus.
- e. Other resources allocated to the Fund by a decision of the provincial council.
- f. The organization, closure and liquidation of the Fund shall be decided by the Minister at the proposal of the Council. The liquidation committee may allocate part of the funds to local charities.

Article (51)

Financial Resources of Municipalities

Municipal resources include:

- a. Fees for municipal services
- b. Proceeds of museums, exhibitions, gardens, clubs etc.
- c. Rents of properties leased by the municipality
- d. Revenue of fairs, libraries and stadiums owned by the municipality
- e. Municipal share of the value of local taxes allocated to the province
- f. Municipal share of customs, transit, airport, and port fees levied in the province
- g. Municipal investment yield
- h. 50% of the value of buildings and properties sold by municipalities
- i. Penalties and settlements imposed in return for reconciliation
- j. Loans, donations and trusts approved by the provincial council
- k. Sales of advertising and tourism products and of publications issued by the municipality
- l. Proceeds of public open markets, slaughterhouses, baths, and public transportation operated by the municipality
- m. Ten percent of any ore found within municipal boundaries, in lands not owned by the State and on beaches that are located within the municipal boundaries, in accordance with the legislation in force
- n. Sales of goods confiscated by the municipal guard
- o. Government support and subsidies
- p. Other resources prescribed by a decision of the Council

Article (52)

Types of Fees, Earnings and Royalties

The executive regulation of the law principle shall determine the rules concerning the types of fees, earnings and royalties of a municipal character, the cases and basis of imposition thereof, the rules of complaints in this regard, and the conditions of relief thereof.

Article (53)

Collection

The collection, preservation, disbursement and exemption of fees, earnings, royalties and rents that belong to the municipality shall be governed by the rules on State funds.

Article (54)

Fiscal year

The fiscal year of provincial and municipal councils shall start and end at the same time as the fiscal year of the State.

Article (55)

Operating Budget

- a. Every Council shall have its own operating budget. The Council shall draft such budget, including the revenues and expenditures thereof, in accordance with the rules in force in the State.
- b. The provincial council shall prepare its estimated budget based on the estimated draft budgets of municipal councils. It shall refer the same to the High Council of Local Administration for examination and integration in the budget of the Ministry of Local Government at the specified time and date and in the prescribed manner.

Article (56)

Developmental Budget

The provincial council shall draft its developmental budget based on the drafts of provinces and municipalities, and shall refer the same to the Regional Planning Council for examination and integration in the developmental budget of the Ministry of Local Government at the specified time and date and in the prescribed manner.

Article (57)

Distribution of Subsidies

The High Council of Local Administration shall distribute the public expenditure subsidies to provincial and municipal councils as prescribed by a decision of the Minister.

Article (58)

Adoption of Budget of Previous Fiscal year

If there is a delay in budget approval, local councils shall adopt the budget of the expired year by automatically opening monthly provisional credits on the basis of one-twelfth of such budget, as stipulated by the Cabinet decision at the proposal of the Minister.

Article (59)

General Reserve Account

Every Council shall open a general reserve account in accordance with the provisions of the Executive Regulation.

Article (60)

Final Accounts

Every Council shall prepare its final account for the expired fiscal year within one month at most from the end of the fiscal year.

Article (61)

Future Commitments

The Council may not commit to a project that entails spending for one or more years except within the conditions and cases stipulated by the Financial System Law and the regulations thereof.

Article (62)

Loans

Provinces and municipalities may contract local loans that do not exceed 25% of their expected income during the fiscal year, provided that such loans are repaid before the end of the fiscal year.

Article (63)

Free Disposal

Without the Cabinet's consent, provincial and municipal councils may not freely dispose of any of their movable or immovable property, or lease the same under nominal lease or for less than the proper rent amount for a public utility purpose, unless such disposal or lease is done for the benefit of a ministry, government department, public authority, public legal entity, public sector company, or private association or institution of public utility.

Article (64)

Financial Oversight

- a. Each province or municipality shall have a financial controller who oversees its accounts and its payment and collection transactions, and prepares its final accounts.
- b. The financial procedures of provinces and municipalities shall be subject to the oversight of the Audit Office and transparency bodies in accordance with the financial law of the State.

Article (65)

Tax and Fee Exemption

Provinces and municipalities shall be exempted from all taxes and fees.

Article (66)

Disclosure

Provincial budgets and final accounts shall be published upon approval thereof in the Official Gazette under the general budget of the State in accordance with the legislation in force.

Chapter (7)

Provincial and Municipal Employees

Article (67)

Applicability of Professional and Insurance Legislation Provisions

Provisions of professional and insurance legislation in force shall be applicable to the employees of provinces and the components thereof.

Article (68)

Transfer of Local Service Employees to the Provincial Cadre

- a. All civil servants and local services staff shall be transferred along with their financial allocations to the provincial cadre, as well as contractual employees who enjoy the same working conditions, after consulting the concerned ministries and the competent civil service authority.
- b. This provision shall not be applicable to employees of official civil authorities nor to employees of public companies, authorities, departments, institutions or projects, or judicial authorities and the assisting entities thereof that fall under the jurisdiction of the province.

Article (69)

Reserved Positions

A minimum of 5% of provincial and municipal cadre positions shall be reserved for revolutionaries with special needs.

Article (70)

The Governor's Powers Regarding Provincial Civil Servants

The governor shall be considered the head of all civil servants of entities within the province whose powers have been transferred to local units, and he shall exercise in their regard all the financial and administrative powers of the Minister.

Article (71)

The Governor's Powers Regarding Ministerial Branches of Non-Transferred Duties

The governor shall have the following powers with regard to civil servants of ministerial branches and entities whose powers have not been transferred to local units, except for judicial authorities and their assisting entities:

- a. Propose the transfer of any provincial employee, if the presence of such employee in the province is determined to be incompatible with the public interest.
- b. Give opinions on the promotion and transfer of provincial employees before the competent authority issues its decision in this respect.
- c. Request the investigation of employees of public entities operating within the province, propose the infliction of disciplinary punishments by the competent authority, and notify the competent authority of any procedure or decision he takes in the previous matters within seven days from the date of issuance thereof.

Article (72)

Powers of Mayor and Deputy Regarding Municipal Civil Servants

The mayor shall be considered the supreme head of all municipal civil servants. He shall exercise in their regard the financial and administrative powers of the Minister, whereas the Deputy shall exercise the powers of the Deputy Minister, in accordance with the regulation in force.

Chapter (7)

Final and Transitional Provisions

Article (73)

Executive Regulation

The Cabinet shall issue the executive regulation of this law at the proposal of the Minister of Local Government.

Article (74)

Contents of the Executive Regulation

In addition to the detailed provisions referred to by the articles of this law, the executive regulation shall include the following:

- a. Determination of localities and municipal branches
- b. Council meeting procedures
- c. Work progress system in municipal and provincial offices
- d. Public safety system in provinces
- e. Total quality system in provinces
- f. Duties and responsibilities of council members
- g. Dissolution of councils and termination of membership therein

Article (75)

Uniform Administrative Organization of Local Administration Units

The Minister shall issue a decision concerning the uniform organization of provinces and municipalities and the constituents thereof, and shall issue the code of procedures and the job descriptions therein.

Article (76)

Oversight of Administrative Activities

The administrative activities of provinces and municipalities shall be subject to the control of the Audit Office and all transparency bodies.

Article (77)

Approval of Provincial and Municipal Council Decisions

Decisions of provincial and municipal councils shall be approved or rejected as a whole.

Article (78)

Examination of Electoral Appeals

Appeals related to the elections of provincial and municipal councils shall be considered as electoral appeals in accordance with the legislation in force.

Article (79)

Applicability of Municipal Regulations

Municipal regulations shall remain in force insofar as they do not contravene the provisions of this law and the Constitutional Declaration, until such regulations are amended, replaced or repealed in accordance with the provisions of this law.

Article (80)

Continuity of Local Councils

Until approval and issuance of this law and the establishment of provincial and municipal councils, local councils approved by the decision of the National Transitional Council No. (176) of 2011 shall remain in operation.

Article (81)

Date of Entry into Force

This law shall enter into force on the date of publication thereof in the Official Gazette and shall be implemented by all concerned authorities. Any provision that contravenes this law shall be repealed.

Interim National Transitional Council – Libya

Tripoli

On 18/7/2012