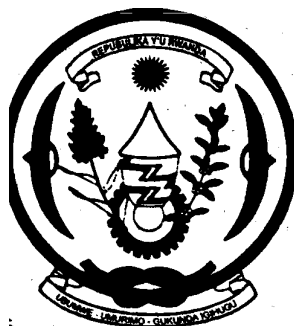


YEAR 45 SPECIAL NO. OF 24 FEBRUARY 2006



OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA
NO. 08/2006 OF 24/02/2006

LAW DETERMINING THE ORGANISATION AND
FUNCTIONING OF THE DISTRICT

LAW N° 08/2006 OF 24/02/2006 DETERMINING THE ORGANISATION AND FUNCTIONING OF THE DISTRICT.

**We, KAGAME Paul,
The President of the Republic;**

THE PARLIAMENT HAS ADOPTED AND WE SANCTION AND PROMULGATE THE FOLLOWING LAW, AND ORDER IT TO BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of February 17, 2006;

The Senate, in its session of February 3, 2006;

Given the Constitution of the Republic of Rwanda of June 4, 2003 as amended to date, especially in its Articles 3, 62, 66, 67, 88, 89, 90, 92, 93, 95, 108, 118, 167 and 201;

Given Organic Law n° 29/2005 of December 31, 2005 establishing the administrative entities of the Republic of Rwanda especially in its Article 2;

Having reviewed Law n° 04/2001 of January 31, 2001 governing the organization and functioning of Districts as amended and complemented to date;

Having reviewed Law n° 05 /2001 of January 18, 2001 establishing the organization and functioning of urban authorities as amended and complemented to date;

ADOPTS:

TITLE ONE: ORGANISATION, FUNCTIONING AND COMPETENCE OF THE DISTRICT

CHAPTER ONE: ORGANISATION AND COMPETENCE

Section one: Organization of the District

Article one:

This law determines the organization, functioning and competence of the District.

Article 2:

The District is an autonomous administrative entity with a legal status with administrative and financial autonomy. Like other administrative entities, the District is an entity for the promotion of democracy and a basis for socio-economic development.

It is responsible for promotion of solidarity of the population in its development efforts and the development of their District.

The District has a Council and an Executive Committee responsible for the administration of the population and safeguarding its interests.

Article 3:

Each District shall be divided into Sectors. Sectors are divided into Cells. Cells are divided into villages.

The responsibilities of Sectors, Cells and of the Villages shall be established by a Presidential Order.

Section 2: The Headquarters of the District

Article 4:

The Headquarters of the District are established by the order of the Minister in charge of Local Government basing on the decision of the District Council.

Section 3: Competence and responsibilities

Article 5:

The District shall accomplish its political, administrative, social economic affairs and Cultural duties determined by law.

The District shall be particularly responsible for the following:

- 1° to implement Government policies adopted;
- 2° to deliver and assist Sectors in delivering good quality services;
- 3° to elaborate, coordinate and implement development programs;
- 4° to promote solidarity and cooperation with other Districts.

Article 6:

The District shall support activities in which the population participates. In elaborating development activities, the District shall endeavor to take its people's wishes into account and shall immediately coordinate all development activities in the District.

Article 7:

The District shall maintain its infrastructure. Community based associations or cooperatives shall contribute to the promotion of development in the District. The State, the Private sector and partners in development partners shall provide technical and financial assistance to the District.

Article 8:

The Governor of the Province supervises the functioning of the organs of the District in accordance with powers he or she is given by law.

The Governor of the Province supervises the functioning of the District: and advises the District in matters related to its responsibility. The Governor of the Province submits an evaluation report of the District to the Minister in charge of Local government, with a copy to the District Council.

CHAPTER II: ADMINISTRATIVE ORGANS OF THE DISTRICT

Article 9:

At the political level, the district is governed by the following three (3) organs:

- 1° the District Council;
- 2° the Executive Committee;
- 3° the Security Committee.

The above organs are technically supported by the following two (2) organs:

- a) the Executive Secretariat;
- b) the District Development Committee.

Section one: District Council's Composition, Responsibilities, Functioning, Dissolution and Committee

Sub section one: Composition

Article 10:

The District Council is composed of the following persons:

- 1° Councilors elected at the level of Sectors which make up the District, each Sector represented by one councilor;
- 2° Three (3) councilors who are members of the Bureau of the National Youth Council at District level;
- 3° The coordinator of the National Council of Women at District level;

4° At least thirty percent (30%) of women councilors of the members of the District Council.

Article 11:

The Governor of the Province in which the District is located or his or her representative conducts the swearing in ceremony within a period not exceeding seven (7) days following the election of Councilors of the District Council.

The Councilors elected at District level shall take oath in public and before a higher court operating in that District in the following words in conformity with article 61 of the Constitution of June 4, 2003 as amended to-date:

"I , solemnly swear to the Nation that I shall:

1° diligently fulfill the responsibilities entrusted to me;

2° remain loyal to the Republic of Rwanda;

3° observe the Constitution and the other laws;

4° work for the consolidation of national unity;

5° conscientiously fulfill my duties of representing the Rwandan people without any discrimination whatsoever;

6° never use the powers conferred on me for personal ends;

7° promote respect for the freedoms and fundamental rights of the human being and safeguard the interests of the Rwandan people'.

Shall I fail to honour this oath, may I face the rigours of the law. So help me God".

The Court shall receive the oath of the members of the Council after their swearing in.

Each councilor who has been sworn in appends his or her signature on the appropriate document bearing the oath.

Article 12:

The councilors are elected for a term of five (5) years. At the expiry of their term of office, new elections organized. An incumbent councilor may campaign to be reelected.

The District Council is directed by an Executive Committee composed of the Chairman, the Vice-Chairman, the Secretary. Members of the Council elect among themselves the Executive Committee in accordance with the law instituting the organisation of election of local administrative entities. An order of the Minister in

charge of Local Government determines the functioning and relations between District Council Executive Committee and Executive Committee of the District.

If for any reason a councilor is not able to perform his or her duties, new elections are held within the next nine (90) days, following the suspension of his or her duties. However, when a councilor, is remaining with less than six months to complete his or her term of office, no new elections shall be held.

Article 13:

The election of the Bureau of the District council shall be conducted before that one of the Executive Committee. The election of the members of the Bureau shall be conducted in secret in accordance with absolute majority vote of the members of the council present.

Article 14:

If a member of the Executive Committee of the District Council resigns, he or she shall write to the District Council and reserves a copy to the Governor of the Province.

Through elections, the District Council shall approve the dismissal of the Mayor, the Vice Mayor and the Secretary in accordance with the absolute majority vote of the members of the District Council present in the extra ordinary meeting of the District.

If one of the members of the Bureau is concerned with the issue, the District Council meeting shall be directed by the Chairman or the Vice Chairman who is not concerned with the issue. However, if the issue concerns the Chairman and the Vice Chairman, the meeting shall elect among itself the Chairman.

Article 15:

The extra ordinary meeting of the District Council meant for the election for the replacement of the members of the Bureau who were dismissed shall be convened by the Governor of the Province in a period not exceeding thirty (30) days from the day of their dismissal. In that case the election is conducted by the National Electoral Commission.

Article 16:

A Councilor who fails to fulfill his or her obligations shall be dismissed in the following manner:

- 1° the Chairman of the meeting of the District Council shall draft a detailed report indicating that the Councilor is no longer capable of performing his or her duties, and thereafter informs the District Council and the concerned to give explanations in writing requiring his or her to provide explanations in a period not exceeding thirty (30) days;

2° then the Chairman of the District Council submits the issue to the District Council for

decision after reviewing the report and taking into account the explanations provided

by the concerned Councilor;

3° in case the explanations provided are not sound, the District Council requests such a

councilor to resign. In case he or she refuses, he or she shall be dismissed by the District Council upon approval by at least two thirds (2/3) of its members.

Persons who voted for the councilor or the organ that sent him or her shall be provided with the reasons of such removal.

The replacement of a councilor who resigns or one who is removed is conducted in a period not exceeding thirty days (30) from the day he or she is removed from his or her duties.

Article 17:

In case the local residents find that the councilor does not fulfill his or her duties effectively, they may forward it to the Council of the Sector for examination. Such a request is made in writing containing at least two hundred (200) names and signatures of the residents of the Sector with voting rights. Where he or she finds it grounded, the Chairman of the Council of the Sector forwards it to the District Council which examines and thereafter takes a decision. The councilor may also be suspended on his or her duties if requested in writing which is submitted to the Chairman of the District council. In that case, suspension of the councilor is conducted in accordance with provisions of article 16 of this law.

Article 18:

Where District Councilors hold the Bureau or a commission's meetings, they shall be given a sitting allowance determined by an order of the Minister in charge of Local Government.

Article 19:

Members of Parliament have the right to attend District Council meetings and deliberate but without voting rights.

Sub section 2: Responsibilities of the Council

Article 20:

The District Council is responsible for decision taking, policies and giving instructions on the following:

- 1° to respect the Constitution and other laws in force in Rwanda and to promote governance based on democracy;
- 2° to institute regulations governing the District in the political affairs and to implement government decisions;
- 3° to adopt the budget of the District;
- 4° to recruit the personnel and to determine their remuneration in accordance with laws
and regulations governing government civil servants;
- 5° to take decisions aimed at safeguarding security;
- 6° to approve the development plan;
- 7° to approve the opening of an account number, determine the maximum amount of cash payment and receipts of District treasury without prejudice to the laws governing
the management of public finance;
- 8° to monitor the activities of the Executive Committee;
- 9° to elaborate rules and regulations governing taxes and duties;
- 10° to suspend a councilor or one of the members of the Executive Committee in case of.
misconduct;
- 11° to coordinate activities of Sectors, with special emphasis on Sectors without sufficient means and resources to accomplish their respective missions;
- 12° to approve where markets and abattoirs should be built;
- 13° to approve donations, legacies and debts that the District may contract;
- 14° to monitor the management of the District property at least once every term;
- 15° to examine the report of finance audit;
- 16° to approve and permit the sale or give away the property of the District;

- 17° to monitor the application and the implementation of the decisions of the District Educational Council;
- 18° to institute, extend and maintain cemeteries and Genocide memorial sites located in the District and safeguard them;
- 19° to establish a District tender committee ;
- 20 to appoint and monitor teachers and directors in nursery, primary, secondary and technical schools without contradiction with the law;
- 21° to officially approve the establishment of nursery, primary, secondary and technical public schools and to take decisions against them in case of poor performance and in a way that is not in contradiction with the law;
- 22° to determine and conduct training of teachers and other members of staff in the education sector in matters related to national programs in such activities;
- 23° to monitor the performance of health centers, regional hospital sanitation, Private hospitals and government aided hospitals;
- 24° to promote women promotion and youth;
- 25° to monitor if the files of the employees are well catered for and maintained by the Executive Committee;
- 26° to promote the social cultural, sports and entertainment;
- 27° to monitor the use of playgrounds and stadiums;
- 28° to promote education, general health, trade, industry and craftsmanship;
- 29° to promote cooperation and solidarity with other Districts;
- 30° to diversify agriculture, livestock and forestry;
- 31° to make a follow up and to take decisions on any other activities conducted in the District which are not included in the responsibilities of the Central Administration.

Article 21:

The District Council shall also be responsible for:

- 1° development;
- 2° construction;
- 3° the organization of places meant for towns and trading centres;

In collaboration with other concerned organizational structures, it is responsible for taking decisions and issuing instructions on the following:

- 1^o to elaborate programs and monitor the procedures of public transportation and goods carriage in the District; .
- 2^o to maintain roads, bridges and water system;
- 3^o to install sign posts and determine the names of the roads of where the town should be located or those of trading centers,
- 4^o to provide lights on the roads and in public places;
- 5^o to distribute modern infrastructure for development;
- 6^o to treat, collect and transport all the town or trading centre waste;
- 7^o to treat water and protect the environment;
- 8^o to set up vehicle parks and stops;

Article 22:

Disputes arising from boundaries of Districts that make up one Province shall be settled by their Councils coordinated by the Governor of that province.

If such disputes are not settled, the issue is submitted to the Coordination Committee of the Province; and decision taken shall be notified to the Minister in charge of Local Government.

The Minister is obliged to give his or her views on the decision taken within a period of thirty (30) days.

The Minister in charge of Local government shall settle such disputes if they arise between Districts that do share the Province.

Article 23:

The Presidential Order determines places that shall be considered as towns or trading centers depending on decision of the District Council of the concerned District after the Minister in charge of the organization towns gives his or her views.

Article 24:

The District Council may allow associations operating in District or elsewhere to set up centers to assist administration in settling petitions of the population.

It shall be done through agreements with the District and in compliance with the law.

Article 25:

The Bureau of the District Council is responsible for:

- 1° preparing the items on the agenda of the meeting of the District Council ;
- 2° directing the activities of the meeting of the District Council;
- 3° monitoring the implementation of the decisions of the District Council.

The decisions of the Bureau of the District Council are taken in accordance with consensus of its members. In case the consensus is not obtained, the issue is forwarded to the following District Council meeting to take decision.

Article 26:

The Chairman of the District council is responsible for:

- 1° directing and coordinate the activities of the Bureau and of the District Council;
- 2° convening and direct the meetings of the District Council;
- 3° promoting relations with other District Councils of Districts of Rwanda or Districts and Municipalities of foreign countries.

Article 27:

The Vice Chairman of the District Council shall assist the Chairman and deputize him or her if there is a reason.

Article 28:

The Secretary of the District Council is responsible for:

- 1° preparing a verbatim report of the District Council;
- 2° preparing the minutes of the decisions of the District Council;
- 3° making a list of the councilors who wish to take floor;
- 4° receiving, transmit and file documents of the District Council;
- 5° receiving petitions of the population;
- 6° keeping the stamp of the District Council.

Sub section 3: Functioning of the District council

Article 29:

The District Council meets once in three (3) months in its ordinary meeting. It is held at the Office of the District or elsewhere in the District after approval by the District Council.

The District Council may also convene in an extra ordinary meeting in case of urgency. The extra ordinary meeting of the District Council may also convene upon request by at least a third (1/3) of its members. The extra ordinary meeting shall only examine items provided for on the agenda

Article 30:

The District Council is convened in writing by its Chairman on own initiative or upon request by a third (1/3) of its members. The invitation letter is put at the office of the Sector in which the invitee lives or at his or her home.

The councilors shall receive the invitation at least seven days before the meeting is held unless it is an extraordinary meeting. The meeting invitation shall indicate the points to be examined in the meeting.

Article 31:

The items to be examined in the District Council meeting shall be prepared by the Bureau of the District Council. The Executive Committee may request in writing that the Bureau include on the agenda of the meeting any issue concerning the District. Every councilor also has the right to include a point on the agenda. No any other point shall be examined before points on the agenda are exhausted.

Article 32:

The meeting of the District Council is convened and directed by its Chairman. In case of his or her absence, the meeting shall be convened and directed by the Deputy Chairman.

Article 33:

The meeting of the District council shall be held if at least two thirds (2/3) of its members are present. However, if the meeting of the District council is convened for the second time through procedures provided for in article 30 of this law and the required quorum of the councilors is not reached; the meeting shall be held if at least 1/3 of its members are present.

Article 34:

Decisions of the meeting of the District council shall be taken by consensus: In case of failure, elections shall apply. The decision shall be taken on the absolute majority vote of the members present. In case of a tie, the voting shall be repeated up to the third time. In case of equality of votes, the voting shall be adjourned to another day until the majority vote is attained.

Article 35:

The District Council appoints, suspends and dismisses employees of the District in accordance with laws governing civil servants.

Article 36:

The District Council meeting is public. However, the Council may meet in closed sessions if requested by two thirds (2/3) of the members present.

However, under any circumstances, the District Council meeting shall be public if adoption of the budget, matters related to taxes and duties, loans or the District's financial statements and the utilization of the assets and resources of the District are on the agenda.

Article 37:

It is prohibited to publicize the sessions of the District Council meetings at any time the examination matters is on the agenda even if they are those stipulated in Article 36 of this law.

In case the District Council meeting is held and there arises an issue prompting the Council to consider matters, the Chairperson of the meeting orders that the meeting be held in a closed session until the matter are over.

Article 38:

The Governor of the Province is entitled to attend the meetings of District Councils of the Districts that the Province of which he or she is the head if there is a point on the agenda he or she feels he or she give views.

He or she informs in writing the Chairman of the meeting at least two (2) days before the meeting is held. In case of failure to turn up, he or she designates a representative.

Article 39:

The District Council may invite any person from whom it seeks advice.

Article 40:

Persons mentioned in Articles 38 and 39 of this law are not allowed to vote in decision taking.

Article 41:

Only the Chairman of the District Council shall have the powers to ensure the good conduct of the sessions of the meetings. He or she may warn anybody who disrupts the session of the meeting and if the person concerned continues to interrupt the meeting he or she will be expelled from the meeting. If the Chairperson expels a person, he or she shall make a statement which shall be approved by such a meeting and he or she may forward him or her to judicial organs if necessary.

Article 42:

The verbatim report related to the meeting of the *District Council* shall be approved by the following meeting. The report of the meeting shall be signed by the Chairperson and the secretary of the meeting. All debates related to such a report are also subject to a statement.

Article 43:

The report of the meeting of the District Council are forwarded to the Governor of the Province within seven (7) working days following the date of its adoption who in turn issues an acknowledgment of receipt and reserves a copy to the Mayor of the District.

The decisions of the meeting of the District Council shall be communicated to the Governor of the Province within (7) seven working days following their adoption to which he or she gives views in seven (7) days and the Minister in charge of Local Government and a copy reserved to the Mayor of the District.

If the Governor does not give any opinion within seven (7) working days following the day of issuance of receipt of acknowledgment, the Executive Committee of the District shall implement the decisions taken by the District Council.

Article 44:

Each resident of the District has the right to be informed about the outcome of the meetings of the District Council. He or she has the right to be given the minutes of the meetings of the District Council to consult them at the headquarters of the District where they have to be kept.

However, the District Council shall have absolute powers to decide that the debates of the meeting be maintained as a secret until it considers it unnecessary.

Article 45:

The internal rules and regulations of the District Council shall be instituted by the Minister in charge of Local Government.

Article 46:

Instructions and decisions taken by the District Council shall not contravene the law or instructions issued at national level.

Article 47:

Without prejudice to provisions of the Criminal Code, any person who contravenes instructions or a decision of the District council is liable to a fine of ten thousand (10 000) Rwanda Francs. In that case, the Mayor of the District shall inform the Police Commander in the District who shall prosecute the person who does not respect the instructions. The fine shall be deposited in District coffers.

Article 48:

A member of the District Council is prohibited from participating in deliberations of the District Council in case the Council is examining his or her issues, his or her parents, his or her brothers and sisters, his or her relatives to the second degree or his or her marriage relatives to the second degree, or he or she has issues of his or her personal interests. In that case, the concerned Councilor shall be excluded and the others shall take a decision. If it is the Chairperson concerned with the issue being examined, he or she shall be replaced in accordance with the relevant legal provisions.

Sub section 4: Dissolution of the District Council

Article 49:

The District Council may be dissolved by an Order of the President upon examination and approval by Cabinet if:

- 1° it is requested by a third (1/3) of the members of the District Council and when it is evident that it is in the general interest of the public;
- 2° there has been serious unrest in the District caused by the members of the District Council;
- 3° it is evident that the District Council is no longer capable of fulfilling its mission;

The District Council shall be automatically dissolved in case Districts are merged.

Article 50:

If the District Council is dissolved, the President of the Republic shall appoint his or her representatives. Elections shall be held within a period of three (3) months in order to elect new councilors. They shall complete their mandate if they handover with the new elected leaders.

However, the President of the Republic through a Presidential Order may determine another date for elections, if he or she considers that the elections may not be held in the period provided for in paragraph one of this Article but it shall be done before such a period expires.

If the District Council is dissolved in a period not more than six (6) months before the expiry of its mandate no fresh elections shall be held.

Article 51:

The duty of a councilor at the level of the District comes to an end if:

- 1° the Councilor resigns;
- 2° the District Council is dissolved;
- 3° the District Councilor is deprived of the right to be elected;
- 4° the Councilor is sentenced to an imprisonment of a period of or more than six (6) months;
- 5° the councilor is absent from council meetings for three (3) consecutive sessions without any sound reason;
- 6° the Councilor is assigned other duties incompatible with councillorship;

- 7° the Councilor is deprived of the right of councillorship by the electorate;
- 8° the Councilor confesses and admits the crime of Genocide;
- 9° the Councilor is definitively sentenced following the crime of genocide;
- 10° the Councilor develops any sickness approved by a state recognized physician that
 may lead to his or her failure to accomplish his or her duties;
- 11° the mandate of the Councilor expires;
- 12° the Councilor dies.

Article 52:

The District Councilor's duties shall not be compatible with the duties of the following persons:

- 1° a member of the Executive Power;
 - 2° a member of the Parliament;
 - 3° a judge or a prosecutor;
 - 4° a governor of a province;
 - 5° a policeman.;
 - 6° a member of military personnel;
 - 7° a member of the executive committee of the cell;
 - 8° a government agent outside the country;
 - 9° one of the persons conducting the elections at that level;
 - 10° an employee in the District administration who works at the headquarters of the District and where he or she is the councilor;
 - 11° an employee of the sector situated in the District in which he or she was elected from and when being paid by such a District;
 - 12° the Auditor General of State Finances or his or her Deputy;
 - 13° the Ombudsman or the Deputy Ombudsman.
- However, if a person performing one of the duties requests his or her superior authority and it is admitted in writing, he or she shall suspend his or her former duties before presenting his or her candidature. He or she shall be allowed to campaign and

shall resign from such duties subsequent to his or her election on the office which is incompatible to the office for which he or she is elected for. In case he or she is not elected, he or she resumes duties with no hindrance.

Sub section 5: Commissions of the District Council

Article 53:

The District Council shall create among itself the following commissions:

- 1° the Commission on economic development;
- 2° the Commission on gender, youth, culture, sports and social affairs;
- 3° the Commission on administrative, political and legal affairs.

Each Councilor shall be a member of one of the commissions. Each Commission is made up of at least four (4) members.

Article 54:

Councilors who make up each Commission shall elect from among themselves a Chairman and a Secretary of the Commission. In its functioning, the Commission on Economic Development may seek assistance from experts or consultants but they shall have no voting rights during decision taking.

A: The Commission on Economic Development

Article 55:

The Commission on Economic Development is responsible for providing advice in economic affairs to the District Council especially in the following:

- 1° to make a follow up on how decisions of the Council in matters related to Economic Development are respected;
- 2° determine, establish and monitor the performance of development projects approved by the District;
- 3° to look for assets;
- 4° to arrange for discussions and train citizens in a bid to sensitize them on development activities;
- 5° to sensitize citizens as to working in associations or cooperatives.

The Commission shall also examine any other issue in its attributions it may be assigned by the Council.

B: The Commission on Gender, youth, culture, sports and social affairs

Article 56:

The Commission on Gender, youth, culture, sports and social affairs is responsible for advising the Council especially on the following matters:

- 1° following up the implementation of the decisions of the Council in matters related to women development, youth, culture, sports and social affairs;
- 2° giving opinions on a permanent basis on issues related to women development, youth, culture, sports and social-affairs;
- 3° promotion of work and culture as a basis for socio-economic development;
- 4° elaboration of a policy of assistance, protection and promotion of the vulnerable groups, survivors of Genocide; the handicapped, orphans, widows, and others in need of emergency assistance and to submit these policies to District Council for adoption;
- 5° identification of various categories of the needy, their numbers and their living conditions as well as their specific problems;
- 6° establishing coordination mechanisms of the initiatives of the Government and those of private sector in the field of social affairs;
- 7° elaboration of an efficient programme of educating the population on prevention of AIDS, other epidemics ;
- 8° elaborating an efficient programme of adult education literacy;
- 9° maintaining public training centers, especially in areas of hygiene, environment, social affairs and acquisition of equipment.

The Commission shall also examine any other issue as may be assigned by the Council.

C. The Commission on administrative, political and legal affairs

Article 57:

The Commission on administrative, political and legal affairs shall be responsible for advising the Council, especially on the following matters:

- 1° monitoring the management of the civil status registration of the population;
- 2° ensuring security of people and property;
- 3° monitoring the implementation of political decisions taken by the District Council;
- 4° ensuring family promotion and respecting gender policy;
- 5° elaboration of all rules and regulations related to administration and legislation and forwarding them to the District Council for approval;
- 6° in general, matters related to administration, legal and Political affairs.

The Commission shall examine any other issue as may be assigned by the District Council.

Article 58:

Each Commission of the District Council shall meet at least once a month. The Commission shall be invited by its chairperson on own initiative or at the request of the Chairperson of the District Council or if requested by two (2) members of the Commission. Invitation shall be in writing and served at the councilor's home or at the office of the Sector and the recipient issues an acknowledgement of receipt.

Members of the Bureau of the Council and the Executive Committee are not allowed to direct Commissions of the Council.

Section. 2: The District Executive Committee's composition and responsibilities

Sub section: Composition

Article 59:

The District Executive Committee is composed of three (3) persons including at least one woman:

- 1° the Chairperson of the Executive Committee who is also the Mayor of the District;
- 2° the Vice Mayor in charge of finance, economy and development, who replaces the Mayor in case of his or her absence;
- 3° the Vice Mayor in charge of social affairs.

Members of the District Executive Committee are elected for a five (5) year mandate. At the expiry of their term of office, they may campaign for reelection but they cannot exceed two (2) consecutive terms.

Article 60:

A member elected to replace another member of the Executive Committee in conformity with the provisions of Article 70 of this law shall only complete the remaining term of the member replaced. If the post of a member of the Executive Committee falls vacant less than six (6) months before the expiry of the term of office, no new elections shall be organized.

If the post falls vacant within a period of not more than one (1) year before the expiry of the term of office, the substituting member shall have the right to stand for elections for the next two (2) consecutive terms.

Article 61:

During the elections of the Councilors, the District shall be temporarily administered by the Executive Secretary

Article 62:

Members of the District Executive Committee are prohibited from engaging in any activities that may be detrimental to the accomplishment of the mission assigned to them and are required to live in the District in which they are leaders.

The District Executive Committee shall organize a meeting of all Executive Secretaries of the Sectors that make up the District at least once a month and whenever it is considered necessary, in order to examine together all the problems related to the general organization and administration of the District.

Article 63:

The members of the District Executive Committee are elected through secret ballot from the councilors who were elected to be in the District Council who meet all the conditions required by law in order to be elected to such a post.

Article 64:

In a period not exceeding seven (7) days after the announcement of the electoral results of councilors, persons elected as District councilors together with councilors of all Sectors that make up the District and the coordinators of all the cells that make up sectors shall come together and elect the District Executive Committee.

Members elected to the Executive Committee shall take oath before the District Council, residents and the Higher Instance Court in that District as provided for in article 61 of the Constitution of the Republic of Rwanda of June 4, 2003 as amended to date in these words:

"I,, solemnly swear to the Nation that I shall:

- 1° diligently fulfill the responsibilities entrusted to me;*
- 2° remain loyal to the Republic of Rwanda;*
- 3° observe the Constitution and the other laws;*
- 4° work for the consolidation of national unity;*
- 5° conscientiously fulfill my duties of representing the Rwandan people without any discrimination whatsoever;*
- 6° never use the powers conferred on me for personal ends;*
- 7° promote respect for the freedoms and fundamental rights of the human being and safeguard the interests of the Rwandan people.*

Should I fail to honour this oath, may I face the rigours of the law.

So help me God".

The Court shall receive the oath of the members of the Executive Committee who have sworn in. Each Councilor who takes oath shall sign the appropriate oath document.

Article 65:

In order for the candidate to be elected as a member of the District Executive Committee, he or she must fulfill the conditions stipulated in the law instituting the organization of election of leaders of local administrative entities.

Article 66:

Without prejudice to provisions of Article 63 of this law, in order for the candidate to be elected as a member of the District Executive Committee, he or she is required to obtain the absolute majority vote of all eligible voters. If no one obtains such vote during the first round, another round of elections is organized between the two candidates with the highest votes, and on the second round, the candidate with the absolute majority votes wins. In case of tie, drawing lots shall be applied.

Sub section 2: Responsibilities of the District Executive Committee

Article 67:

The Executive Committee of the District is especially responsible for:

- 1° respecting and implementing the decisions of the District Council;
- 2° drawing up strategies to safeguard security;
- 3° coordinating the elaboration of the District strategic plan and to submit it to the District Council for approval;
- 4° implementing the budget of the District;

- 5° elaborating quarterly and annual reports of the District and forward them to the District Council, Governor of the Province and to the Minister in charge of Local Government;
- 6° formulating measures to eradicate injustice in the District;
- 7° recruiting competent personnel for the District;
- 8° promoting development in the fields of agriculture, livestock and forestry;
- 9° promoting trade activities in the District;
- 10° promoting development of micro-enterprises and small-scale industry in the District;
- 11° monitoring the functioning of secondary and technical schools in the District, to organizing training courses for teachers, monitoring the application of school programmes and carrying out inspection of schools;
- 12° promoting tourism and protecting the environment in the District;
- 13° monitoring the functioning of associations and cooperatives in the District;
- 14° catering for youth, culture, sports and entertainment;
- 15° developing women promotion programmes;
- 16° catering and protecting cemeteries and Genocide memorial sites in the District;
- 17° promoting land use, organizing and allotting plots in the District;
- 18° maintaining and rehabilitating the road system in the District;
- 19° transmitting in writing, to the Bureau of the District Council, items it considers necessary to be included on the agenda of the meeting;
- 20° implementing cooperation agreements between the District Council and other organs;
- 21° promoting the arrangement of files of the personnel of the District administration and other public servants in the District with exception of those of the private institutions;
- 22° coordinating the activities of Education and those of Health in the District;
- 23° examining and settling disputes of the population which remained unsettled at sector level;
- 24° supervising the registrar of land property;

25° performing other activities as may be assigned by the District Council or any other public organs.

Article 68:

Decisions of the District Executive Committee shall be taken by consensus. In case of failure to obtain consensus, the issue is forwarded to the District council to take a decision in a period not exceeding fifteen days from the day the issue was raised.

Article 69:

With exception of provisions of Article 51 of this law, the District Council may remove the members of the District Executive Committee if it is evident that there is a criminal act of conspiracy they have committed. The decision to remove them from office shall be effective to all the Committee members concurrently.

A member of the District Executive Committee shall be suspended from his or her duties by the District Council in case of failure to effectively accomplish his or her duties.

The dismissal of a member of the District Executive Committee shall be done by the District Council through elections and after approval by a two thirds (2/3) vote of the members present in that Council meeting who are eligible to vote.

Article 70:

The District Council shall proceed with the replacement of a dismissed District Executive Committee member thirty (30) days following the dismissal, in accordance with procedures provided by the law instituting the organization of elections of local administrative entities.

Article 71:

Members of the District Executive Committee shall be given a monthly allowance determined by the order of the President. Other fringe benefits given to them shall be approved by the District Council but they shall not be thirty per cent (30%) more than the allowance they get without prejudice to provisions of article 156 of this law.

The District Council shall determine salaries of the District and Sector employees in accordance with the law.

Article 72:

A member of the District Executive Committee who ends his or her term of office without being convicted of crimes related to his or her employment shall continue to receive his or her allowance for a period of six months, except for other privileges that were aimed at facilitating his or her work.

In case the member is transferred to another post before the end of the stipulated six months, he or she shall not receive any privileges from when he or she starts earning a salary.

The years the District Executive Committee members will have served shall be taken into consideration in the determination of seniority when they are re-integrated into the civil service or in case of transfer.

Article 73:

A member of the District Executive Committee shall not receive any termination or retirement benefits if he or she:

1° resigns;

2° is reprimanded by the District Council and has failed to convincingly defend himself or herself;

3° has been dismissed from the post of leadership after being blamed by competent authorities.

A member who is prosecuted by judicial authorities but who has not been found guilty and who has not been replaced shall resume his or her duties. However, if he or she has been replaced in the Executive Committee, he or she shall receive only termination benefits.

Article 74:

If a member of the Executive Committee misbehaves, continually absconds from or fails to perform duties or degrades his or her post, the Chairman of the Council, at own initiative, or upon request by one council member, or the Governor of the Province shall convene the meeting of the District Council in order to take appropriate action depending on the gravity of the mistakes indicated in writing.

If the District Council is weak in taking appropriate action against the District Executive Committee member and when it is evident that the accusations against him or her are founded, the District Council may be dissolved in compliance with Article 49 of this law.

The accused shall be given enough time to defend himself or herself in writing.

Article 75:

A suspended member of the District Executive Committee may file a charge with a competent court if he or she feels he or she has been injured. It shall be done in a period not exceeding fifteen (15) days following his or her suspension or dismissal.

Article 76:

A member of the District Executive Committee is prohibited from:

1° participating in a meeting of the District Council that examines matters related to him

or her interests of his or her parents or his or her relatives to the fourth degree;

2° directly or indirectly interfering in trade affairs, in which the District is involved, receiving taxes and duties and performing any other activities that may lead to failure

of effectively accomplishing his or her duties.

Article 77:

Members of the District Executive Committee shall benefit from an annual leave of thirty (30) days but members shall not take it at the same time. The District Council shall determine the period of leave for a member of the District Executive Committee.

Sub section 3: Responsibilities of the Members of the District Executive Committee

Article 78:

The Chairperson of the Executive Committee who is the Mayor of the District represents the State in the District.

Article 79:

In collaboration with other members of the Executive Committee, the Mayor of the District is responsible for directing the daily activities of the District.

In case of absence he or she has a reason that makes him or her unable to perform his or her duties, the Mayor shall be replaced by the Vice-Mayor in charge of Finance, Economic and Development affairs in the District Executive Committee. In case he or she is also absent, the Mayor shall be replaced by the Vice-Mayor in charge of social Affairs.

In case they are all absent, the Governor of the Province shall convene a meeting of the District Council in order to elect among itself the Chairperson of the District Executive Committee in a period not exceeding ninety (90) days).

Article 80:

The District Mayor has the following specific functions:

- 1° to represent the District before other organs;
- 2° to direct the District in accordance with the law;
- 3° to disseminate the political orientation of the country;
- 4° to mobilize the population to participate in the implementation of the decisions taken
at the State, Provincial or District level;
- 5° to coordinate the activities of the Executive Committee;
- 6° to monitor the implementation of the decisions of the Executive Committee;
- 7° to perform civil status related activities conducted at the District and to monitor those
performed at the Sector by the Executive Secretary. Persons in charge of civil status
activities may use civil status registers in any other area in the District without any hindrance;
- 8° to monitor how decisions of the District Council as well as instructions from higher authorities of the county are implemented;
- 9° to convene and chair meetings of the Executive Committee;
- 10° to disseminate legislation, instructions and the decisions of the District Council;
- 11° to ensure security of the people and property in the District in collaboration with relevant organs;
- 12° to sign regulations, announcements, contracts, conventions and agreements between the District and various organs and institutions;
- 13° to manage the civil status and population census registry,
- 14° to make a final evaluation of District personnel;
- 15° to allocate land plots, granting of building authorization, land titles and monitoring
whether the construction of the house is in accordance with its master plan, issues
authorization for modification and destruction of houses in urban and trading centers. All documents related to such activities mentioned above shall be communicated to the Minister in charge of housing and settlement;

- 16° to monitor District and Public service Departments in the District;
- 17° to make a follow up regarding the use of funds and resources of the District;
- 18° to investigate on the buildings and other activities relating to trade which may degrade the environment, health of the population and development activities before they are implemented and to forward it to the concerned authorities in a period not exceeding sixty (60) days. However, such a period is counted from the time when the applicant submitted all the necessary requirements;
- 19° to receive and settle petitions of the population which were not settled by the relevant services of the District;
- 20° to perform other duties as may be assigned by the District Council or any other superior authorities.

Article 81:

If the District Mayor and his or her Deputy are unable to accomplish their duties due to reasons provided for points 1, 4, 6, 7, 8, 9, 10 and 12 of Article 51 of this law, the Governor of the Province shall convene the District Council meeting within a period of three (3) months to elect the interim Mayor as stipulated by the law.

Article 82:

In addition to the collective responsibility shared by all the members of the Executive Committee, the Vice-Mayor in charge of Finance and Economic Development is responsible for:

- 1° replacing the Mayor in his or her duties in case of absence;
- 2° disseminating of the national economic policy;
- 3° coordinating and managing the activities of the economic development commission;
- 4° monitoring the implementation of the decisions of the District Council in the domains of finance, economic development;
- 5° monitoring the receipt of taxes and duties and elaboration of strategies aimed at widening and diversifying the tax base;
- 6° formulation of strategies and policies to maintain infrastructure;
- 7° coordinating activities for preparation of budget;
- 8° monitoring the recovery of debts;

- 9° making inventory and valorization of immovable assets;
- 10° monitoring issues of habitat;
- 11 ° receiving and settling issues relating to economic development;
- 12° collaborating with trading companies, agriculture and livestock and elaborating strategies to increase productivity;
- 13° assisting and advising traders, industrialists aimed at economic development;
- 14° collaborating with administrative organs responsible for finance, trade, industry, craftsmanship, cooperatives and agricultural associations;
- 15° sensitizing the population on legislation relating to economy, finance and development;
- 16° preparing reports relating to his or her responsibilities;
- 17° carrying any other tasks relating to his or her responsibilities as may be assigned by
the District Council;

Article 83:

In addition to collective responsibility shared by all the members of the Executive Committee, the Vice Mayor for Social Affairs is responsible for:

- 1° directing social affairs promotion activities;
- 2° directing promotion of health activities;
- 3° promoting gender and family issues;
- 4° promoting culture, sports and leisure activities;
- 5° following up and supervising activities aimed at promoting nursery, primary, secondary and vocational education;
- 6° following up the implementation of the decisions of District Council with regard to social affairs;
- 7° caring for the needy and establishing programs aimed at helping them;
- 8° putting in place ways and to follow up the adult literacy to the population;
- 9° following up the activities, the functioning of National Women Council levels and advise them;

- 10° carrying out any other duties assigned to him or her by the District Council in accordance with his or her duties.
- 11° sensitizing the population on children's rights, prevent and fight against polygamy;
- 12° preparing the action plan and preparing a report related to his or her responsibilities;
- 13° coordinating activities of non governmental organization related to social affairs;
- 14° sensitizing the population on prevention of AIDS, epidemic diseases and drugs;
- 15° examining and monitoring hygienic programmes;
- 16° monitoring the implementation of the decisions of the District Council in women and youth development;
- 17° maintaining Genocide memorial sites and cemeteries and protecting them;
- 18° receiving and solving petitions of the population related to social affairs;
- 19° carrying out any other duties that may be assigned by the District Council.

Article 84:

In case of any urgent reason, the Mayor of the District together with the Executive Committee may introduce temporary regulations against violence. He or she immediately informs the District Council within thirty (30) days following the day of introduction of such regulations for approval.

Without prejudice to provisions of Penal laws, any person contravening such instructions shall be communicated to the District Police which shall prosecute him or her. Such a person shall be liable to a fine of not more than ten thousand (10.000) Rwandan francs.

The amount of fine paid by those contravening the instructions made by District administration shall be deposited in District coffers.

After the period of thirty (30) days without being approved by the District Council, regulations become null.

Section 3: The Executive Secretariat

Sub-section one: The composition of the Executive Secretariat

Article 85:

The District Executive Secretariat is composed of the Executive Secretary and other necessary staff.

Sub section 2: Responsibilities

Article 86:

The Executive Secretary has the following functions:

- 1° to supervise the District staff activities.;
- 2° to prepare instruction proposal, coordinate and control activities at District level on the basis of the decisions taken by the District Council on political and administrative matters;
- 3° to examine all documents to be approved or signed by the Mayor of the District;
- 4° to supervise the District's technical activities;
- 5° to control the use of District assets and prepare reports to the Mayor of the District;
- 6° to closely follow-up the collection of taxes;
- 7° to closely follow-up the functioning of projects operating in the District;
- 8° to promote the staff skills in terms of Information and Communication Technologies and organize the training meant for developing the staff capacities;
- 9° to closely follow-up the elaboration of the plan of action and the preparation of reports in the District;
- 10° to chair meetings of District Directors of Units;
- 11° to be the secretary to the District Executive Committee;
- 12° to make first level evaluation of the District Directors of Units and to make second level evaluation other staff of the District;
- 13° to supervise the use of the District's funds and assets basing on the law governing the use of funds and assets of the District and the decisions made by the District Executive Committee and the District Council respectively;
- 14° to keep records and files of the Districts' administration and all other public operating in the District with the exception of those in parastatals;
- 15° prepare reports to the Mayor of the District once a term and whenever necessary upon request by the District Mayor;

16° to be the acting District Mayor for the time the members of District Council are being elected;

17° to carry out any other duties as may be assigned to him/her by the District Councilor or the District Executive Committee.

In case of absence of the Executive Secretary, he or she shall be replaced by the Director in charge of Good Governance.

Sub-section 3: Appointment of members of the Executive Secretariat

Article 87:

Members of the Executive Secretariat are appointed by the District Council upon competition.

Sub-section 3 : The functioning of the Executive Secretariat

Article 88:

The functioning of the Executive Secretariat is determined by the District Council.

Section 4: The District Development Committee

Sub-section one: The composition of the District Development Committee

Article 89:

The District Development Committee is composed of the following persons:

- 1° the Vice-Mayor for Finance, Economic Affairs and Development in District Executive Committee, who is also the Chairperson;
- 2° the Vice-Mayor for Social Affairs, who is also the Vice-Chairperson of the Development Committee;
- 3° the Executive Secretary of the District;
- 4° the person in charge of Planning at District level, who is also the Secretary to the Development Committee;
- 5° the Executive Secretaries of the Sectors in the District;
- 6° the person in charge of Development in the District Executive Committee of National Women's Council at District level;

- 7° the Executive Secretary to the District Executive Committee of the National Youth Council at District level;
- 8° All those having developmental projects in the District upon confirmation of the District Council.

Sub-section 2: The responsibilities of the District Development Committee

Article 90:

The District Development Committee is mainly responsible for:

- 1° preparing the District's development action plan;
- 2° monitoring and control activities and projects at the District level;
- 3° supervising the administration and finance at the District level;
- 4° preparing a project proposal of the development budget at the District level;
- 5° organizing training of the population with regard to development activities.

Article 91:

A Ministerial Order of the Minister in charge of Local Government shall determine the organization and functioning of the District Development Committee.

Section 5: The District Security Committee

Article 92:

The District Security Committee comprises the following persons:

- 1° the Mayor of the District, who is also the Chairperson;
- 2° the Vice-Mayors;
- 3° the Executive Secretary, who is also the rapporteur;
- 4° the Army Commander responsible for the area in which the District is located;
- 5° the Police Commander in the District;
- 6° the Public Prosecutor of the upper level;
- 7° the Intelligence Officer in the District;
- 8° the Immigration Officer;
- 9° the Director of prison in the District;

10° the Security Officer in the National Women. Council at the District level

11° the Councillor in charge of communication in the National Youth Council.

Article 93:

Security Committee Members shall not delegate their duties into the Security Committee to any person. However, in case of absence upon a sound reason, the Chairperson is replaced by the Vice-Mayor in charge of Finance, Economic Affairs and Development in the District Executive Committee.

When the Rapporteur to the Security Committee is absent, members of the Security Committee present shall choose among themselves the Rapporteur.

The Extended Security Committee shall include Members of the Security Committee, the Sectors' Executive Secretaries and other persons as may be deemed necessary by the Committee.

Security Committee meetings are held in camera.

Article 94:

The responsibilities and functioning of the District Security Committee are determined by a Presidential Order.

Article 95:

The District Security Committee shall have the responsibility to make decisions on all security issues in the District. Meetings of the Security Committee shall be held once a month and whenever deemed necessary. It shall be an obligation for every member of the Security Committee to attend security meetings.

Reports of the Security Committee shall be submitted to the Governor of the Province.

TITLE II: THE ADMINISTRATION OF THE DISTRICT

CHAPTER ONE: DISTRICT ORGANISATIONAL STRUCTURE

Section one: District organizational structure and staff

Article 96:

The District Council shall determine the District organizational structure and job description in accordance with the law.

Competence and functioning of the District administration as to administrative and financial management are determined by a Presidential Order.

Other staff benefits that are not specified by the law shall be determined by the District Council.

Article 97:

In accordance with laws, the District appoints the staff for the smooth running of the District structures.

Before being confirmed in their functions by the District Council, staff members are selected by a sub-committee made up of members of the District Executive Committee and four (4) councilors elected to the District Council by its members.

This sub-committee may seek assistance from any other persons who are competent in the matter.

However, when need arises and on request from the District Council, civil servants can be deployed to the administration of the District according to the legal provisions governing them.

Article 98:

In accordance with the General Statutes for Public Service, the District Council is the only authority that can recruit, suspend them and dismiss the staff on advice of the Executive Committee.

Article 99:

In case of danger, imminent unrest or unrest the District receives police reinforcement from the Police Department in the District.

The police sent to the District remain under the command of their Commander as regards logistics. The costs incurred on the said logistics are paid from State budget.

Article 100:

The Mayor of the District, in collaboration with the Executive Committee, is responsible for the management of the staff of the District in accordance with applicable laws.

Article 101:

Without prejudice to legal provisions, the internal rules and regulations of the District staff and those of institutions operating in this District are established by the District Council.

Section 2: Institutions operating in the District

Article 102:

The District Council can allow associations operating within the District or elsewhere to create institutions to take care of the population's problems with regard to economics, health, education, clean water, hygiene, markets, transportation of goods and people, burial of the dead and other activities.

These institutions are created according to the agreements concluded with District authorities in accordance with the laws applicable in the country.

Article 103:

Where need be and in the general interest, the District can acquire shares in associations or institutions. It can also appoint its own representatives in those associations and institutions.

CHAPTER II: DISTRICT'S ASSETS

Article 104:

The District's assets include both movable and immovable assets bought or donated to the District.

Article 105:

The District's assets are constituted of its own property or public property.

Public property can not be given away or can not be owned by an individual. However, the District Council can decide that public property can pass onto the District's ownership.

Article 106:

The Mayor of the District protects and preserves public property of the District. The District's own property is constituted of the materials and equipment used for the general running of public structures and particular property managed by the District Executive Committee.

Article 107:

The Government can donate or sell to the District the land that is within its boundaries. Such land is incorporate into the District's own property.

The State can also donate to the District some of its own property or public property.

For the general public interest of the Nation, the Government can require the restitution of its property. Such property must be returned in the manner it was given, and if necessary with value added.

Article 108:

A report is made of the assets received by the District and it is signed by the person giving the assets and the Mayor of the District or his or her representative. Rent contracts, contracts and all other documents concerning donated or sold assets are annexed to this report.

A copy of this report together with copies of other documents annexed to it is submitted to the District Accountant.

Article 109:

The District can, in public interest, expropriate people's lands in order to carry on some activities. In this case, the District shall use the lands after prior compensation to the population which shall be paid in conformity with the law and from the District budget.

Article 110:

The elements constituting the District's public and own property are recorded in the register of the property of the District showing the nature, origin, right ownership, and in case of immovables the plot number is added, where it is located and its valuable assets.

In this register of the District's assets, the property that has been sold, exchanged assets and the land that has been prepared for future development are recorded.

This register is divided in two parts: one part for the public property and the other for District's own property.

CHAPTER III: DISTRICT TENDER COMMITTEE

Article 111:

The District Council shall establish a District Tender Committee. Appointment, dismissal and term of office of its members shall be determined by an Order of the Minister in charge of Local Government.

Article 112:

Building contracts, service related contracts, or supply contracts for the District or of the District-controlled enterprises are prepared by the District Tender Committee.

Contracts are awarded according to the laws governing contracts in the country.

Article 113:

The sale of movables and immovable approved by the District Council is made by the Tender Committee and conducted in accordance with the laws thereto related.

However, the sale is conducted through a public auction organized by the District Tender Committee and the selling price plus the percentage to cover administrative and advertising cost as determined by the Council is paid immediately.

CHAPTER IV: DISTRICT ROADS AND WORKS

Article 114:

Instructions of the District Council establish the inventory of District roads. Such instructions indicate the state of roads, their order of importance, their maintenance and inspection as well as preliminary survey preceding the inventory as well as their direction and measurements.

These instructions establish modalities of incorporation or disposal of these roads into those of the District and the way the feasibility study about it could start. Such instructions also indicate the conditions, the time limits and the modes of advertising the whole process.

Article 115

District roads confirmed by the Council's instructions as being the District's property are classified as public property. When tertiary roads are upgraded into main roads, they are governed by safety and traffic regulations.

Article 116:

The District Council establishes regulations defining the duties of the District road works Unit.

Article 117:

The District Council can solicit the support of competent organs of the state, especially with regard to:

- 1° development and follow-up of project activity at the level of the District;
- 2° examining the master plan and specific plans of the town;
- 3° the drawing of the topographic map and the realization of any other activity on the public property or real estates of the District;
- 4° measurement of the land and cutting it into plots according to plan;
- 5° swamp development;
- 6° the study of possibilities of widening and maintaining of District roads as well as the traffic code;
- 7° the construction of bridges;
- 8° any other activity beyond its technical capacities.

Article 118:

The maintenance of public property of the District, including its roads, is financed on the budget of the District. The assistance given by the National Road Fund is used for District roads.

Article 119:

The financial or material assistance from donors can help the District in road works.

Article 120:

In accordance with the law, the population can be invited to participate in the activities of the maintenance of the drainage system or some other locally executed works or public utility.

TITLE III: DISTRICT FINANCE CHAPTER ONE: GENERAL PROVISIONS

Article 121:

The budget of the District shall indicate every year's income and expenditure. The District budget format is determined by the Minister in charge of Local Government after consultation with the Minister in charge of finance.

Article 122:

The financial year begins on January 1 and ends on December 31.

Article 123:

The budget is examined and approved before 15 December. Expenditure can be reviewed not later than 31 July.

This revision is approved by the District Council that must annex explanatory notes to this new budget.

The Mayor of the District writes financial and activity report and submit the same to the Council for approval

Article 124:

The budget of the District comprises two following parts (2):

- 1° the ordinary budget;
- 2° the development budget.

Every budget includes income and expenditure that must be balanced in each part.

Article 125:

The surplus of funds on the ordinary budget must be allocated to the expenditures of the development budget.

CHAPTER II: DISTRICTS' INCOMES AND FINANCES

Article 126:

The Districts' incomes and finances come from the following:

- 1° taxes and charges devolved to the District;
- 2° charges legally collected from the delivery of different certificates by the District;
- 3° charges collected from services rendered by the public notary;
- 4° moneys from the District's shares and income generating activities;
- 5° moneys from fines;

- 6° loans;
- 7° Government grants;
- 8° court fees and proportional rights as ruled out by Lower and High Instance Courts;
- 9° grants and other financial assistance provided by the State, independent Administrative organizations and public institutions;
- 10° donations and bequests from the private sector;
- 11° charges from different services and community activities in the District;
- 12° money charged on changing title deeds on immovables;
- 13° proportional rights deducted from auctioned immovables;
- 14° money accruing from land rental and sale;
- 15° other financial sources as may be determined by the law.

All District expected income shall be integrated in District's annual budget.

Article 127:

The District ordinary budget shall come from:

- 1° taxes and charges legally collected by the District;
- 2° charges legally collected by the District from services rendered to the population upon request or as required by the law. The amount collected for such services should not exceed their real value;
- 3° other charges that are collected from services that were devolved to the District;
- 4° proceeds from the District's property;
- 5° government grants;
- 6° proceeds from bank deposits and financially independent organizations under the District's supervision;
- 7° grants and other financial assistance provided by the State, independent administrative organizations and public institutions;
- 8° court fees and proportional rights as ruled out by Lower and High Instance' Courts;
- 9° other financial sources as may be determined by the law and regulations.

Article 128:

The development budget shall come from the following:

- 1° funds allocated from the ordinary budget;
- 2° grants and bequests;
- 3° State assistance, assistance from independent organizations and other institutions,
money from worker's organizations and contributions;
- 4° loans;
- 5° proceeds from the sale of District's assets and interests on investments;
- 6° dividends from the District's shares in commercial enterprises;
- 7° damages from accidents and miscellaneous sources.

CHAPTER III: DISTRICTS EXPENDITURES

Article 129:

The amount of the District's ordinary budget must be used in accordance with the law. The budget forecast includes the following categories:

- 1° salaries, benefits and other costs incurred by the District for its staff in accordance with the labor code;
- 2° district leaders' allowances and other benefits in accordance with the law;
- 3° allowances payable to District Council members for their responsibilities, notably meetings or other official activities in accordance with the law;
- 4° budget for the purchase of material and equipment;
- 5° taxes and contributions paid out by the District in accordance with the law;
- 6° funds for maintenance of District equipment or the equipment borrowed and rent for buildings it uses;
- 7° funds for the maintenance of Districts' road network, water pipes, drainage and liquid waste works, power lines, training centers for the population as well as District forests;
- 8° shares and contributions;
- 9° grants and contributions made by the District;

- 10° cost of daily activities of the different structures of the District;
- 11° interests paid on loans taken by the District,
- 12° staff loans;
- 13° financial assistance to the needy.
- 14° incidental expenditure.

Funds for staff loans must come from the annual ordinary budget and should not exceed five per cent (5%) of the District's income. Such loans have to be paid back in the same year.

Article 130:

The amount of the budget allocated to development is as follows:

- 1° funds for paying back development loans for the District;
- 2° funds used on District's development equipment and activities;
- 3° District's financial contributions to development.

Article 131:

No funds shall be disbursed except those approved by the District Council on the annual budget.

Article 132:

In case of expenses incurred by several Districts, every District must pay its part according to its own profits. In case of refusal by one District or in case of any dispute arising, the Governor of the Province will settle the case. The Minister in charge of Local Government will settle it when it arises between the Districts belonging to different Provinces.

Article 133:

All District's funds, income or expenditure as well as those from previous year's budget shall be incorporated in the budget for the following year.

CHAPTER IV: ON PREPARATION, VOTE AND APPROVAL OF THE DISTRICT BUDGET

Section one: Preparation and vote of the budget

Article 134:

All Districts' finances are deposited on one bank account unless the regulations of competent authorities state otherwise.

The District shall allocate to the Sector fifty percent (50%) of the money it collected from fines and civil status services in that Sector. Ten percent (10%) of the District's annual ordinary budget shall be distributed among the Sectors in the District. The use of that money is determined by an Order of the Minister in charge of Local Government.

Article 135:

The Executive Committee in collaboration with the District Executive Secretary prepares the District Budget proposal and submits it to the District Council for consideration and approval.

Article 136:

Amount of income and the expenditure on the budget of the exercise must be balanced, shown, and approved taking into account expenses incurred on the previous budget.

Article 137:

The vote of the annual budget is made for all items in this budget.

Article 138:

The budget document is kept in the District office. Its copies accompanied with explanatory notes are sent to the District Council, Governor of the Province and to the Minister in charge of Local Government.

Article 139:

When the annual budget is not ready before the month of January of the same financial year, the Mayor of the District can determine the necessary amount for the running of the District activities but the following criteria have to be taken into account:

- 1° this amount must be part of the budget proposal sent to the Governor of the province;
- 2° this amount must have been voted for these same activities in the previous budget
except for emergency cases;
- 3° all the amount paid out at the beginning or end of every month from the beginning of
the year should not exceed one twelfth (1/12) of the total budget that was
prepared or
reviewed by the District Council;

Article 140:

The District annual program of activities and budget are transmitted to the Governor of the Province for him or her to coordinate development activities of the Province.

Section 2: The management of District budget

Article 141:

The general regulations governing the District's accounts are established by an order of the Minister in charge of Local Government after advice from the Minister in charge of Finance.

Article 142:

The District Executive Committee is responsible for the implementation of the District's budget. The Executive Secretary and the District accountant sign all the documents related to expenditure.

Article 143:

The opening of the District's account and the use of the District's funds must first be approved by the District Council.

Article 144:

A decree of the Minister in charge of Local Government establishes the format of documents relating to funds debited into the District treasury. The Executive Secretary signs these documents.

Article 145:

The District accountant is responsible and answerable for all the funds meant for the District.

The District Accountant is the only person in charge of and answerable for all the funds approved by the District Authorities for payment in accordance with general public accounting instructions.

The collection of the District's funds is done by the cashier.

The District cashier is the only person in charge of collecting District funds.

Article 146:

The District Budget can be reviewed not later than July 31. The District Council can allow the transfer of funds from one item of the budget to the other.

However, there shall be no funds transfer for the following budgetary items:

- 1° Salaries;
- 2° Contributions, taxes and debts;
- 3° Special expenses;
- 4° Support to the needy people.

Section 3: Control of the use of District funds

Article 147:

A report on the use of District finances is prepared by the Accountant and the District Council and Executive Committee are given a copy thereof.

Without prejudice to existing laws and regulations, the Governor of the Province and the Office of the Auditor General of State Finances exercise the control over the management of District funds.

Article 148:

The District Council shall take all necessary measures to fill budgetary gaps resulting from the use of final and ensure proper balance of income and expenditure in the budget for the following financial year.

If such measures are not taken by the District Council, they are taken by the auditing unit. This unit may decide that the deficit is compensated in two years or more.

Article 149:

The documents on the management of the District assets are sent to the Provincial Administration examination.

Mechanisms for the control of District assets and those for the organization belonging to the District are fixed by the Minister in charge of Local Government.

CHAPTER V: COMMON DEVELOPMENT FUND FOR THE DISTRICT AND THE CITY OF KIGALI

Article 150:

The Government allocates at least ten (10%) of its annual revenues to a Common Development Fund for Districts and the City of Kigali within the context of administration and capacity decentralization.

TITLE IV: CONTROL OF THE DISTRICT'S ACTIVITIES

Article 151:

The Minister in charge of Local Government establishes the rules and regulations governing the control of the District's administration and activities.

Article 152:

Decisions of the District Council on the following points must be notified to the Governor of the Province who in turn, provides advice thereon by checking whether they conform to the laws and general regulations in force. All this must be done within seven (7) days after notification thereof. Such points include:

- 1° the District's budget;
- 2° fixing, abolishing and modification of taxes and dues;
- 3° particular taxes paid by the population, loans and guarantees related to them;
- 4° approving donations and legacies;
- 5° sales, purchases and exchanges of immovables and movables;
- 6° rent contracts of more than three years;
- 7° instructions relating to roads, settlement and hygiene;
- 8° the number of employees and salaries;
- 9° fixing, suppression and modification of market days and market;
- 10° minutes of the meeting on tenders;
- 11° other activities judged necessary by the Provincial Coordination committee.

When the Governor of the Province finds that decisions taken on one of the above is contrary to the laws and regulations, he or she informs the District Council thereof in writing requesting that it be reviewed with a copy to the Minister in charge of Local Government.

Article 153:

If the District Council does not change its decision, the Governor of the Province asks the Mayor of the District to convene a meeting of the District Council in order to give explanations on articles of the law that were not respected. In case there is no consensus, the Governor of the Province notifies the same in writing to the Minister in charge of Local Government who must take a decision within ten (10) days of

notification thereof. If the Minister does not react within this time limit, the decision is deemed accepted.

Article 154:

Any decision or action taken by the District authorities while they are not competent for and any decision taken by the District Council in an unlawful meeting or contrary to the laws and general regulations is null and void.

The Minister in charge of Local Government makes instructions providing the reasons why this Decision has no validity basing on the laws and general regulations that were not respected as the decision was being taken.

If the District authorities are not satisfied with the Minister's decision, they can appeal to the High Court of the Republic showing the laws that were not respected at the time the decision was taken.

Article 155:

The decision taken by the District Council at a meeting of the District attended by the members who are either direct or indirect beneficiaries of such a decision may be null and void.

The Minister in charge of Local Government on request from the Governor of the Province can nullify such a decision upon provision of reason thereof within one month from the date on which the request is received.

Any citizen is free to write to the District Council requesting the modification of a decision it has taken when such a decision is deemed contrary to the law or the general interest.

In case the request is rejected, any District's residents or taxpayer or any one else interested in the matter can request the Minister in charge of Local Government to nullify the decision within sixty (60) days from the date on which such a decision was taken.

Article 156:

The District ordinary budget must be used as follows:

- 1° not more than thirty percent (30%) of the budget is set aside for salaries of the staff,
allowances and other benefits for District authorities;
- 2° not more than forty percent (40%) of the District budget is used in daily activities of
the District;
- 3° not less than thirty percent (30%) of the District's budget is used in investments.

TITLE V: COOPERATION BETWEEN DISTRICTS

Article 157:

Districts have the right to cooperate and pull together their resources for the promotion of common interest's activities.

For this objective to be achieved, Districts can establish centers and common structures.

CHAPTER ONE: DISTRICT ASSOCIATIONS

Article 158:

District Councils can, upon mutual consultation, decide to work in partnership in order establish, organize or supervise activities of common interest. Such partnership is called "District Association".

Instructions taken by the members of the Councils of the Districts wishing to form an association specify in writing, activities to be carried out as well as the rights and obligations of every party.

Article 159:

District associations have a legal personality and a financial autonomy. Their organization and functioning governed by a decree of the Minister in charge of Local Government.

CHAPTER II: INTER DISTRICT COUNCIL

Article 160:

Two or more Districts can hold meetings together to examine issues of common interest between those Districts within the limits of their power, after prior notice to the Governor of the Province concerned.

Article 161:

The Governor of the Province can convene a joint meeting for two or more District Councils so as to d upon issues of common interest. Such a meeting is presided over by the Governor of the Province.

CHAPTER III: RELATIONS BASED ON COOPERATION

Article 162:

Every District is free to develop cooperation relations with independent foreign administration entities after notification to the Governor of the Province, the Minister in charge of Local Government and the Minister in charge of Foreign Affairs.

Article 163:

The Governor of the Province and the Minister in charge of Local Government are given a copy of official correspondence among District Councils or between a District Council and the Kigali City Council.

The Minister in charge of Local Government and the District Mayor are given a copy of official correspondence from the Mayor of the District Council to the Governor of the Province.

Article 164:

The Governor of the Province and the Minister in charge of Local Government are given a copy of official correspondence among District Mayors.

The Governor of the Province and the Minister in charge of Local Government are given a copy of official correspondence from a District Mayor to a Minister or a Head of a public institution.

Official correspondence from a District Mayor to the President of the Supreme Court, the Prime Minister, Speaker of the Chamber of Deputies, the President of the Senate and the President of the Republic must be written through the Minister in charge of Local Government and the Governor of the concerned Province. Official correspondence from a District Mayor to Heads of Diplomatic Missions and Heads of International Regional Organizations based in Rwanda must be written through the Minister in charge of Local Government who, in turn, sends the same through the Minister in charge of Foreign Affairs and the Governor of the Province concerned is given a copy thereof.

Article 165:

The Minister in charge of Local Government has the right to stop these correspondences within seven working days of receiving them, when they are deemed contrary to the law and public interests.

TITLE VI: MISCELLANEOUS TRANSITIONAL AND FINAL PROVISIONS

Article 166:

The District has the obligation and competence to protect its staff against intimidation, humiliation, victimization and persecution during the performance of their duties.

Article 167:

The merging of parts of two different Districts or more in one, also applies to their rights and obligations.

Article 168:

The assets previously owned by Districts, Towns or Municipalities that were merged are henceforth the property of the new District.

Where one part of a District becomes a new District, the assets formerly belonging to the mother-District are shared between the two newly created Districts according to the number of the people put in each District. Any disputes arising from that sharing shall be settled by the Minister in charge of Local Government.

Article 169:

While waiting for the provisions specifying the authorities before which Councilors and Committee members of local governments are sworn in to be amended, the President of the Supreme Court designates Judges before whom those councilors and members are sworn in.

Article 170:

Law n° 04/2001 of the 13th January 2001 governing the organization and functioning of Districts as amended and complemented to date, and Law n° 05 /2001 of January 18, 2001 establishing the organization and functioning of urban authorities as amended and completed to-date and all previous legal provisions contrary to this law are hereby abrogated.

Article 171:

This law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 24/02/2006

The President of the Republic
KAGAME Paul
(sé)

The Prime Minister
MAKUZA Bernard
(sé)

The Minister of Local Government, Good Governance, Community
Development and Social Affairs
MUSONI Protais
(sé)

The Minister of Finance and Economic Planning
Prof. NSHUTI Manasseh
(86)

The Minister of Public Service and Labour
BUMAYA Habib André
(sé)

Seen and sealed with the Seal of the Republic of Rwanda
The Minister of Justice
MUKABAGWIZA Edda
(sé)