

THE LOCAL AUTHORITIES (SUSPENSION) ACT, 1946.

[BURMA ACT NO. III OF 1946.]

WHEREAS in the present circumstances it is impracticable to hold elections for the constitution of local authorities in British Burma, and as a consequence thereof it is expedient to suspend such authorities and to make provision for carrying on their functions until such time as elections can be held ;

AND WHEREAS by Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, in the Legislature or in either Chamber thereof ;

26 Geo. 5
c. 3.

NOW THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows :—

1. (1) This Act may be called the Local Authorities (Suspension) Act, 1946.
Short title, commencement and duration. (2) It shall come into force on such date as the Governor may, by notification, appoint, and shall remain in force until the Governor shall, by notification, declare it to be no longer in force.

2. In this Act—

Definitions. (a) "local authority" means a municipal committee, town committee, district council, circle board, school board or hospital committee constituted under the provisions of the Municipal Act or the Rural Self-Government Act and includes any other committee or person or body of persons notified by the Governor in this behalf ;

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act, or in any other law for the time being in force, the Governor may, by notification, assume to himself all the rights, privileges, duties, powers and functions vested in or exercisable by any local authority under any law relating thereto.

Suspension of local authorities. (2) On the issue of such notification the following consequences shall ensue, namely :—

(a) all rights, privileges, duties, powers and functions previously vested in or exercisable by such local authority shall cease and terminate ;

(b) all members of such local authority shall be deemed to have vacated their offices as such ; and

(c) all properties, whether movable or immovable, previously vested in any such local authority shall become vested in the Crown.

Price,—Two Annas.]

4. Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act or in any other law for the time being in force, the Governor may, by notification, invest such person or persons as he thinks fit with all or any of the rights, privileges, duties, powers and functions which were previously vested in or exercisable by any local authority.

5. A notification under sub-section (1) of section 3 or section 4 may be issued with reference to each local authority separately or with reference to a local number of local authorities or any number of them.

6. Upon an appointment being made under the provisions of section 4 the Governor may, by the same or a subsequent notification, direct that such of the properties as have become vested in the Crown under the provisions of clause (c) of sub-section (2) of section 3 as may be specified in the notification shall, subject to such conditions, if any, as the Governor may deem fit to impose, vest in the person or persons appointed under section 4, and shall, together with all other property which may hereafter become similarly vested in such person or persons, be held in trust and administered by such person or persons for the same purposes as those for which such properties would have been utilized had this Act not been passed:

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III, 1945. *Provided that* nothing in this Act shall affect the operation of the Local Authorities (Miscellaneous Provisions) Act, 1945, or shall be deemed to transfer any of the funds vested in the person or persons appointed under that Act to the person or persons appointed under section 4, unless otherwise directed by order of the Governor.

7. The person or persons appointed under section 4 shall exercise and discharge the duties, powers and functions, imposed upon or vested in him or them, subject to such conditions and restrictions as may be prescribed, and if more than one such person is appointed, in exercising and discharging such duties, powers and functions, they may act jointly or severally.

8. Subject to the control of the Governor, the person or persons appointed under section 4 shall have authority to appoint such officers and servants as may be considered necessary for the effective discharge of the duties, powers and functions imposed upon or vested in such person or persons, and, subject to the provisions of this Act, the provisions of the Municipal Act or the Rural Self-Government Act, and the rules made thereunder, whichever of these Acts may be relevant, shall apply to any officer or servant so appointed.

9. Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act, the person or persons appointed under section 4 may, subject to the control of the Governor, adopt such procedure as may be deemed practicable for the due exercise and discharge of the duties, powers and functions imposed upon or vested in such person or persons.

10. No suit or other legal proceeding shall lie against any person in respect of anything which is, in good faith done or intended to be done under the provisions of this Act.

11. Nothing in this Act shall be construed as an acceptance by Government of any liability on behalf of or towards any local authority ; but nothing in this Act shall prevent any person from establishing in a Court of law any right which he claims against a local authority.

12. (1) The Governor may make rules for carrying out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Governor may make rules prescribing —

- (a) the manner in which and the conditions subject to which any assets, property or funds vested in the person or persons appointed under section 4 shall be utilized ;
- (b) the conditions, if any, subject to which any funds vested in the person or persons appointed under the Local Authorities (Miscellaneous Provisions) Act, 1945, shall be transferred to the person or persons appointed under section 4 ;
- (c) the manner in which and the conditions subject to which the person or persons appointed under section 4 shall have, exercise and discharge the rights, privileges, duties, powers and functions vested in him or them,
- (d) the manner in which accounts shall be kept and periodical statements of receipts and disbursements submitted to the Governor ;
- (e) the manner in which any such accounts shall be examined and audited ; and
- (f) the conditions subject to which officers and servants may be appointed by the person or persons appointed under section 4.

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