



[HeinOnline](#)

Citations:

Bluebook 20th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee. *Constitutions of Nations* (4).

ALWD 6th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee. *Constitutions of Nations* (4).

APA 6th ed.

Peaslee, A. (4). *Constitutions of Nations*. The Hague, Martinus Nijhoff.

Chicago 7th ed.

Peaslee Amos J.; Xydis, Dorothy Peaslee. *Constitutions of Nations*. The Hague, Martinus Nijhoff.

McGill Guide 9th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee, *Constitutions of Nations* (The Hague: Martinus Nijhoff., 4)

MLA 8th ed.

Peaslee, Amos J., and Dorothy Peaslee Xydis. *Constitutions of Nations*. The Hague, Martinus Nijhoff. HeinOnline.

OSCOLA 4th ed.

Peaslee, Amos J.; Xydis, Dorothy Peaslee. *Constitutions of Nations*. The Hague, Martinus Nijhoff.

Provided by:

Harvard Law School Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

# CONSTITUTION of SIERRA LEONE<sup>1</sup>

April 19, 1971

We the freely elected representatives of the people of Sierra Leone hereby enact the following Constitution:

## CHAPTER I

### PROTECTION OF THE FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

1. Whereas every person in Sierra Leone is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, tribe, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following —

- (a) life, liberty, security of the person, the enjoyment of property and the protection of the law;
- (b) freedom of conscience, of expression and of assembly and association; and
- (c) respect for his private and family life,

the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms, subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

2. (1) No person shall be deprived of his life intentionally except in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.

<sup>1</sup> *No. 6 1971. The Constitution of Sierra Leone, amended by No. 7 1971, The Constitution (Amendment) (No. 2) Act 1971.* Government Printing Department, Sierra Leone. Supplied by the Ministry of External Affairs in November 1972. Ed.

(2) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are hereinafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use of force to such extent as is reasonably justifiable in the circumstances of the case —

- (a) for the defence of any person from violence or for the defence of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) for the purpose of suppressing a riot, insurrection or mutiny; or
- (d) in order to prevent the commission by that person of a criminal offence,

or if he dies as a result of a lawful act of war.

3. (1) No person shall be deprived of his personal liberty except as may be authorised by law in any of the following cases, that is to say —

- (a) in consequence of his unfitness to plead to a criminal charge; or
- (b) in execution of a sentence or order of a court whether in Sierra Leone or elsewhere in respect of a criminal offence of which he has been convicted; or
- (c) in the execution of the order of the High Court or the Court of Appeal or the Supreme Court or such other court as may be prescribed by Parliament on the grounds of his contempt of any such court or of another court or tribunal; or
- (d) in the execution of the order of a court made in order to secure the fulfilment of any obligation imposed on him by law; or
- (e) for the purpose of bringing him before a court in execution of the order of a court; or
- (f) upon reasonable suspicion of his having committed or of being about to commit a criminal offence; or
- (g) in the case of a person who has not attained the age of twenty-one years, for the purpose of his education or welfare; or
- (h) for the purpose of preventing the spread of an infectious or contagious disease; or
- (i) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community; or
- (j) for the purpose of preventing the unlawfully entry of that person into Sierra Leone, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Sierra Leone or the taking of proceedings relating thereto; or
- (k) to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within Sierra Leone or prohibiting him from being in such an area or to such an extent as may be reasonably justifiable for the taking of pro-

ceedings against that person relating to the making of any such order, or to such extent as may be reasonably justifiable for restraining that person during any visit which he may be permitted to make to any part of Sierra Leone in which, in consequence of any such order, his presence would otherwise be unlawful.

(2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, in language which he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained in such a case as is mentioned in sub-paragraph (e) or (f) of sub-section (1) and who is not released shall be brought without undue delay before a court; and if any person arrested or detained in such a case as is mentioned in the said sub-paragraph (f) is not tried within a reasonable time, then, without prejudice to any further proceedings which may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency.

(6) If any person who is lawfully detained by virtue only of such a law as is referred to in subsection (5) so requests at any time during the period of that detention not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice from among the persons entitled to practise in Sierra Leone as legal practitioners.

(7) On any review by a tribunal in pursuance of sub-section (6) of the case of any detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by whom it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

4. (1) No person shall be deprived of his freedom of movement and for the purposes of this section the said freedom means the right to move freely throughout Sierra Leone, the right to reside in any part of Sierra Leone, the right to enter or leave Sierra Leone and immunity from expulsion from Sierra Leone.

(2) Any restriction on a person's freedom of movement which is in-

volved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision —

(a) which is reasonably required in the interests of defence, public safety, public order, public morality, public health or the conservation of the mineral resources of Sierra Leone except in so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society; or

(b) for the imposition of restrictions on the movement or residence within Sierra Leone of any person who is not a citizen thereof or the exclusion or expulsion from Sierra Leone of any such person; or

(c) for the imposition of restrictions on the acquisition or use by any person of land or other property in Sierra Leone; or

(d) for the imposition of restrictions upon the movement or residence within Sierra Leone of public officers or members of a defence force; or

(e) for the removal of a person from Sierra Leone to be tried outside Sierra Leone for a criminal offence or to undergo imprisonment outside Sierra Leone in execution of the sentence of a court in respect of a criminal offence of which he has been convicted; or

(f) for preventing the departure from Sierra Leone of a person who is reasonably suspected of having committed a crime or of seeking to evade the fulfilment of an obligation imposed on him under the civil law or to evade military service; or

(g) for restricting for any period of time, the movement of any person who has been convicted of an offence involving the use of violence or of an offence involving stealing or of the offence of vagrancy.

(4) If any person whose freedom of movement has been restricted by virtue only of such a provision as is referred to in paragraph (a) of sub-section (3) so requests at any time during the period of that restriction not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice from among the persons entitled to practise in Sierra Leone as legal practitioners.

(5) On any review by a tribunal in pursuance of sub-section (4) of the case of any person whose freedom of movement has been restricted, the tribunal may make recommendations concerning the necessity or expediency of continuing that restriction to the authority by whom it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with such recommendations.

5. (1) No person shall be held in slavery or servitude or required to perform forced labor.

(2) For the purposes of this section, the expression "forced labor" does not include —

- (a) any labor required in consequence of a sentence or order of a court;
- (b) labor required of any person while he is lawfully detained which, though not required in consequence of the sentence or order of a court is reasonably necessary in the interests of hygiene or for the maintenance of the place in which he is detained;
- (c) any labor required of a member of a defence force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as such a member, any labor which that person is required by law to perform in place of such service;
- (d) any labor required during a period of public emergency or in the event of any other emergency or calamity which threatens the life or well-being of the community; or
- (e) communal labor or labor which forms part of other civic obligations.

6. (1) No person shall be subjected to torture or to any punishment or other treatment which is inhuman or degrading.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the infliction of any kind of punishment which was lawful immediately before the entry into force of this Constitution.

7. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say —

- (a) the taking of possession or acquisition is necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the development or utilization of any property in such a manner as to promote the public benefit; and
- (b) the necessity therefor is such as to afford reasonable justification for the causing of any hardship that may result to any person having any interest in or right over the property; and
- (c) provision is made by law applicable to that taking of possession or acquisition —
  - (i) for the prompt payment of adequate compensation; and
  - (ii) securing to any person having an interest in or right over the property a right of access to a court or other impartial and independent authority for the determination of his interest or right, the legality of the taking of possession or acquisition of the property,

interest or right, and the amount of any compensation to which he is entitled and for the purpose of obtaining prompt payment of that compensation.

(2) Nothing in this section shall be construed as affecting the making or operation of any law in so far as it provides for the taking of possession or acquisition of property —

- (a) in satisfaction of any tax, rate or due;
- (b) by way of penalty for breach of the law whether under civil process or after conviction of a criminal offence;
- (c) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract;
- (d) by way of the vesting or administration of trust property, enemy property, or the property of persons adjudged or otherwise declared bankrupt or insolvent, persons of unsound mind, deceased persons, or bodies corporate or unincorporate in the course of being wound up;
- (e) in the execution of judgments or orders of courts;
- (f) by reason of such property being in a dangerous state, or injurious to the health of human beings, animals or plants;
- (g) in consequence of any law with respect to the limitation of actions
- (h) for so long only as such taking of possession may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, the carrying out thereon —
  - (i) of work of soil conservation or the conservation of other natural resources; or
  - (ii) of agricultural development or improvement which the owner or occupier of the land has been required, and has without reasonable and lawful excuse refused or failed, to carry out.

(3) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate which is established directly by any law and in which no monies have been invested other than monies provided by Parliament or by the Legislature of the former Colony and Protectorate of Sierra Leone.

8. (1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises or interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision that is reasonably required —

- (a) in the interest of defence, public safety, public order, public morality, public health, town and country planning, or the development or utilization of any property in such a manner as to promote the public benefit; or

(b) to enable any body corporate established directly by any law or any department of the Government or any local Government authority to enter on the premises of any person in order to carry out work in connection with any property or installation which is lawfully on such premises and which belongs to that body corporate or to the Government or to that authority, as the case may be; or

(c) for the purpose of protecting the rights or freedoms of other persons; or

(d) for the purpose of executing any judgment or order of a court, and except in so far as that provision or as the case may be the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

9. (1) Whenever any person is charged with a criminal offence he shall, unless the charge is withdrawn, be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(2) Any court or other authority prescribed by law for the determination of the existence or extent of civil rights or obligations shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such court or other authority, the case shall be given a fair hearing within a reasonable time.

(3) All proceedings of every court and proceedings relating to the determination of the existence or the extent of civil rights or obligations before any court or other authority, including the announcement of the decision of the court or other authority shall be held in public:

Provided that the court or other authority may, to such extent as it may consider necessary or expedient in circumstances where publicity would prejudice the interest of justice or interlocutory civil proceedings, or to such extent as it may be empowered or required by law so to do in the interests of defence, public safety, public order, public morality, the welfare of persons under the age of twenty-one years or the protection of the private lives of persons concerned in the proceedings, exclude from its proceedings persons other than the parties thereto and their legal representatives.

(4) Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved, or has pleaded guilty:

Provided that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this subsection, to the extent that the law in question imposes on any person charged as aforesaid the burden of proving particular facts.

(5) Every person who is charged with a criminal offence —

(a) shall be informed as soon as reasonably practicable in language which he understands and in detail, of the nature of the offence charged;

(b) shall be given adequate time and facilities for the preparation of his defence;



- (c) shall be permitted to defend himself in person or by a legal practitioner of his own choice;
- (d) shall be afforded facilities to examine in person or by his legal practitioner the witnesses called by the prosecution before any court and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying witnesses called by the prosecution; and
- (e) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge:

Provided that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this subsection to the extent that the law in question prohibits legal representation in a Local Court.

(6) When a person is tried for any criminal offence, the accused person or any person authorized by him in that behalf shall, if he so requires and subject to the payment of such reasonable fee as may be prescribed by law, be given within a reasonable time a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(7) No person shall be held to be guilty of a criminal offence on account of any act or omission which did not at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence which is severer in degree or description than the maximum penalty which might have been imposed for that offence at the time when it was committed.

(8) No person who shows that he has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence save upon the order of a superior court made in the course of appeal proceedings relating to the conviction or acquittal; and no person shall be tried for a criminal offence if he shows that he has been pardoned for that offence:

Provided that nothing in any law shall be held to be inconsistent with or in contravention of this subsection by reason only that it authorizes any court to try a member of a defence force for a criminal offence not withstanding any trial and conviction or acquittal of that member under service law; but any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under service law.

(9) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of any provision of this section other than subsection (7) to the extent that the law in question authorises the taking during a period of public emergency of measures that

are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency.

(10) In paragraphs (c) and (d) of sub-section (5) of this section, "legal practitioner" means an advocate entitled to practise as such in Sierra Leone or, except in relation to proceedings before a court in which a solicitor has no right of audience a solicitor who is so entitled.

10. (1) Except with his own consent no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief and freedom either alone or in community with others and both in public and in private to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Except with his own consent (or if he is a minor, the consent of his parent or guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or to attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for persons of that community or denomination in the course of any education provided by that community or denomination.

(4) No person shall be compelled to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required —

(a) in the interests of defence, public safety, public order, public morality or public health; or

(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of the members of any other religion,

and except in so far as that provision or, as the case may be, the thing done under the authority thereof, is shown, not to be reasonably justifiable in a democratic society.

11. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision —

(a) which is reasonably required —

(i) in the interests of defence, public safety, public order, public morality or public health; or

(ii) for the purpose of protecting the reputations, rights and freedoms of other persons, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating telephony, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainments; or

(b) which imposes restrictions on public officers or members of a defence force,

and except in so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society.

12. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision —

(a) which is reasonably required —

(i) in the interests of defence, public safety, public order, public morality or public health; or

(ii) for the purpose of protecting the rights or freedoms of other persons; or

(b) which imposes restrictions upon public officers or upon members of a defence force, and

except in so far as that provision, or as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society.

13. (1) Subject to the provisions of sub-sections (4), (5) and (7), no law shall make any provision which is discriminatory either of itself or in its effect.

(2) Subject to the provisions of sub-sections (6), (7) and (8) no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the functions of any office or any public authority.

(3) In this section the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Sub-section (1) shall not apply to any law so far as that law makes provision —

(a) for the appropriation of revenues or other funds of Sierra Leone or for the imposition of taxation (including the levying of fees for the grant of licenses); or

(b) with respect to persons who are not citizens of Sierra Leone; or

(c) with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law; or

(d) for the application in the case of members of a particular race or tribe of customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons; or

(e) for authorizing the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency; or

(f) whereby persons of any such description as is mentioned in subsection (3) may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society; or

(g) for the limitation of citizenship to persons of negro African descent and for any restrictions which may be placed upon certain classes of persons by the law relating to citizenship.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to qualifications for service as a public officer or as a member of a defence force or for the service of a local government authority or a body corporate established directly by any law.

(6) Subsection (2) shall not apply to anything which is expressly or by necessary implication authorized to be done by any such provision of law as is referred to in subsection (4) or (5).

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) may be subjected to any restriction on the rights and freedoms guaranteed by sections 4, 8, 10, 11, and 12 being such a restriction as is authorized by paragraph (a) of subsection (3) of section 4, subsection (2) of section 8, subsection (5) of section 10, subsection (2) of section 11 or subsection (2) of section 12, as the case may be.

(8) The exercise of any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested

in any person under or by this Constitution or any other law shall not be enquired into by any Court on the grounds that it contravenes the provisions of sub-section (2).

14. (1) Subject to the provisions of sub-section (6), if any person alleges that any of the provisions of sections 2 to 13 (inclusive) has been, is being or will probably be contravened in relation to him, then, without prejudice to any other action with respect to the same matters which is lawfully available, that person may apply by motion to the High Court for redress.

(2) The High Court shall have original jurisdiction —

(a) to hear and determine any application made by any person in pursuance of sub-section (1); and

(b) to determine any question arising in the case of any person which is referred to it in pursuance of sub-section (3).

and may make such orders and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of the said sections 2 to 13 (inclusive) to the protection of which the person concerned is entitled:

Provided that the High Court shall not exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) If in any proceedings in any court other than the Supreme Court, the Court of Appeal or the High Court any question arises as to the contravention of any of the provisions of the said sections 2 to 13 (inclusive), the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless in his opinion the raising of the question is merely frivolous or vexatious.

(4) Any person aggrieved by any determination of the High Court under this section may appeal therefrom to the Court of Appeal and from the Court of Appeal to the Supreme Court.

(5) No appeal shall lie from any determination under this section that any application or the raising of any question is merely frivolous or vexatious.

(6) Parliament may make provision, or may authorize the making of provisions, with respect to the practice and procedure of any court for the purposes of this section and may confer upon that court such powers, or may authorize the conferment thereon of such powers, in addition to those conferred by this section, as may appear to be necessary or desirable for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

15. (1) In this Chapter, save where the context otherwise requires —

“court” means any court of law in Sierra Leone other than a court constituted by or under service law and —

(a) in section 2, section 3, section 4, section 5, sub-sections (3), (5), (6),

(8), (but not the proviso thereto) and sub-section (10) of section 9, sub-section (8) of section 13 and sub-section (3) of section 14 includes, in relation to an offence against service law, a court so constituted; and (b) in sections 3 and 5 and sub-section (8) of section 13 includes, in relation to an offence against service law, an officer of a defence force or of the Sierra Leone Police Force;

“defence force” means any naval, military, or air force of the Government of Sierra Leone;

“member” in relation to a defence force or other armed force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline;

“service law” means the law regulating the discipline of a defence force or of the Sierra Leone Police Force.

(2) References in sections 2, 3, 4 and 7 to a “criminal offence” shall be construed as including references to any offence against service law and such references in sub-sections (4) to (9) inclusive of section 9 shall, in relation to proceedings before a court constituted by or under service law, be similarly construed.

(3) Nothing done by or under the authority of the law of any country other than Sierra Leone to a member of an armed force raised under that law and lawfully present in Sierra Leone shall be held to be in contravention of this Chapter.

(4) In this Chapter “period of public emergency” means any period during which —

(a) Sierra Leone is at war; or

(b) there is in force a resolution of Parliament supported by the votes of not less than two thirds of all the members of Parliament declaring that a state of public emergency exists.

(5) A resolution passed by Parliament for the purposes of sub-section (4) shall remain in force for twelve months or such shorter period as may be specified therein:

Provided that any such resolution may be extended from time to time for a further period not exceeding twelve months by resolution passed in like manner and may be revoked at any time by resolution supported by the votes of a majority of all the members of Parliament.

## CHAPTER II

### THE PRESIDENT

16. (1) There shall be a Supreme Head of State and Commander-in-Chief of the Armed Forces who shall be known as the President of Sierra Leone, and who is referred to in this Constitution as the President. He shall embody the national unity and ensure the continuance of the State. As

guardian of the Constitution he shall be the guarantor of national independence, of the integrity of the territory, of respect for Treaties and International Agreements; he shall be the Fountain Head of Justice, and the Fountain of Honour.

(2) Whenever the office of President shall become vacant an election shall be held to the office of President in the manner prescribed by this subsection and subject thereto, by or under an Act of Parliament for regulating the election of a President, that is to say:

(a) where only one qualified candidate is validly nominated in an election of a President, the returning officer shall declare him to be elected and where more than one candidate is validly nominated the following provisions shall apply:

(i) The candidates elected to Parliament as elected members may with the consent of the Presidential candidate concerned, declare their preference for a Presidential candidate and the Presidential candidate who obtains the preference of more than one half of the total number of persons elected as elected members of Parliament at that general election shall be elected as President.

(ii) If no Presidential candidate is elected in accordance with the provisions of paragraph (a) (i) of this sub-section, the members of Parliament shall elect, by secret ballot, one of the Presidential candidates who has obtained the preference of at least two elected members.

(b) Where an election is to be determined by secret ballot by the members of Parliament:

(i) the Presidential candidate who obtains the votes of more than one half the total number of the persons entitled to vote at such ballot shall be elected President;

(ii) if in a Presidential ballot no candidate is declared elected a further Presidential ballot shall be taken at the same Presidential election meeting; and a Presidential election meeting shall continue until a candidate is declared elected in a Presidential ballot taken at that meeting, but may be adjourned for not more than two days exclusive of the days on which and to which it is adjourned;

(iii) where two ballots have been held and no candidate has obtained the votes of more than one half of the total number of persons entitled to vote thereat, the Presidential candidate who, at a subsequent ballot, obtains the greatest number of votes cast by the persons voting at such ballot shall be elected President, provided that at the subsequent ballot, the candidate or candidates polling the lowest number of votes shall be at liberty, if they so desire, to withdraw from the Presidential ballot;

(c) the Chief Justice shall be the returning officer for the election of a President;

(d) any question which may arise as to whether:

(i) any provision of this Constitution or any law relating to the election of a President has been complied with; or

(ii) any person has been validly elected as President under this Constitution or any other law, shall be referred to and determined by the returning officer whose decision shall be conclusive and shall not be questioned in any court.

(3) Notwithstanding the provisions of sub-section (2) the first President shall be the person who holds the office, or performs the functions of Governor-General immediately before the commencement of this Constitution.

(4) The President, other than the first and second Presidents, shall assume office on the day following his election and shall unless he sooner dies or resigns, unless he ceases to hold office by virtue of any law made under this Constitution, continue in office for the period of five years or until the person elected President at the next following Presidential election assumes office, provided that no one President shall hold that office for more than two consecutive terms.

(5) Any person who is elected President and also member of Parliament shall, on assuming office as President, cease to be a member of Parliament and his seat shall be declared vacant.

(6) Notwithstanding the provisions of the immediately preceding sections of this Chapter the first President of Sierra Leone shall cease to hold office on the day next following his appointment or on such later day as shall be determined by the Cabinet, and he shall be succeeded by the person who holds the office of Prime Minister immediately before the commencement of this Constitution (hereinafter referred to as the second President). The second President shall be deemed to assume office as President of Sierra Leone on the next day after the commencement of this Constitution or on such later day as shall be determined by Resolution of Parliament, as if he had been elected in pursuance of the provisions of this Constitution and shall, unless he sooner dies or resigns, or unless he ceases to hold office by virtue of this Constitution, continue in office for a period of five years until the person elected President in the next following Presidential election assumes office.

(7) On the assumption of his office under sub-section (6) of this section, the second President of Sierra Leone shall cease to be a member of Parliament and his seat shall be declared vacant.

(8) A person shall be eligible for election as the President if:

(a) he is a citizen of Sierra Leone who has attained the age of 45 years, and

(b) he is not disqualified by section 22 of this Constitution for election as a Member of Parliament.

(9) A person elected to the office of President shall, before entering



upon the duties of that office, take and subscribe the oath for the due execution of his office as set out in the First Schedule.

(10) Notwithstanding any provisions of the Constitution or any law to the contrary, the President shall, without prejudice to such enactment as may for the time being be adopted by Parliament, be responsible, in addition to functions conferred upon him in this Constitution, for all constitutional matters concerning Legislation, Foreign States, the Reception of Envoys accredited to Sierra Leone, the Execution of Treaties, Agreements or Conventions in the name of Sierra Leone, the exercise of the Prerogative of Mercy, the grant of Honours and Awards, the declaration of War, and such other matters as may be referred to the President by Parliament; provided that any Treaty, Agreement or Convention executed by or under the authority of the President which relates to any matter within the legislative competence of Parliament, or which in any way alters the law of Sierra Leone or imposes any charge on, or authorizes any expenditure, out of, the Consolidated Revenue Fund or any other fund of Sierra Leone, and any declaration of war made by the President shall be subject to ratification by Parliament:

(i) by an enactment of an Act of Parliament; or

(ii) by a resolution of Parliament supported by the votes of not less than one half of all the members of Parliament;

(11) The President shall be entitled to participate in the business of Parliament, and to address Parliament in person or to send a message to Parliament to be read by the Speaker on his behalf.

17. (1) The President shall receive such salary and allowances as may be prescribed by resolution of Parliament and such salary and allowances payable to the President are hereby charged on the Consolidated Revenue Fund.

(2) The salary and allowances of the President shall not be altered to his disadvantage during his period of office.

(3) The President shall be exempt from personal taxation.

(4) Until Parliament prescribes the salary and allowances of the President he shall receive the same salary and allowances as the Governor-General was receiving.

(5) Whilst any person holds or performs the functions of the office of President no civil or criminal proceedings shall be instituted or continued against him in respect of any thing done or omitted to be done by him either in his official capacity or in his private capacity.

(6) Whenever the office of President is vacant or the holder of the office is absent from Sierra Leone or is for any reason unable to perform the functions conferred upon him by this Constitution, the Vice-President or such other person appointed by Cabinet shall perform those functions until the substantive holder returns to Sierra Leone or a new President is elected as the case may be, provided that such appointment, if other than the Vice-

President shall be confirmed by a simple majority vote at a meeting of Parliament if in session or at the immediately following session of Parliament.

(7) Any person performing the functions of the office of President under the immediately preceding subsection shall not exercise the powers of the President to revoke the appointment of the Vice-President.

18. (1) The Office of President shall become vacant:

(a) on the expiration of the period mentioned in subsection (4) of section 16 of this Constitution; or

(b) if the incumbent dies or resigns the office or ceases to hold office in pursuance of subsection (2) of this section.

Provided that the President shall not resign his office or retire even at the due expiration of his office while a general election of members of Parliament is pending within the ensuing six months, or where a State of Emergency has been declared.

(2) Where the Cabinet resolves that the question of the mental or physical capacity of the President to discharge the functions of his office ought to be investigated and inform the Speaker accordingly, the Speaker shall, in consultation with the Chief Medical Officer of Sierra Leone, appoint a board consisting of not less than five persons selected by him from among persons who are qualified as medical practitioners under the law of Sierra Leone, and the Board shall enquire into the matter and shall make a report to the Speaker stating the opinion of the board whether or not the President is, by reason of any infirmity of mind or body, incapable of discharging the functions of his office.

(3) If the Board reports that the President is incapable of discharging the functions of the office of President, the Speaker shall certify in writing accordingly and thereupon the President shall cease to hold office.

(4) Where the Cabinet resolves that the question of the mental or physical capacity of the President to discharge his functions ought to be investigated in accordance with the provisions of subsection (2) of this section, the President shall until another person assumes the office of President or the Board, appointed in pursuance of subsection (2) of this section, reports that the President is not incapable of discharging the functions of his office (whichever is the earlier), cease to perform the functions of his office.

(5) The report of the Board referred to in subsection (3) of this section shall, immediately be sent to the Speaker who shall:

(a) if Parliament is then sitting or has been summoned to meet within five days communicate the same to Parliament;

(b) if Parliament is not then sitting (and notwithstanding that it may be prorogued) summon Parliament to meet within 21 days of the receipt of the report of the Board, and communicate the same to Parliament.

(6) For the purposes of this section:

(a) the Cabinet may act notwithstanding any vacancy in its membership or the absence of any member;

(b) a Certificate by the Speaker that the President is by reason of mental or physical infirmity, unable to discharge the functions of his office shall, in respect of any period for which it is in force, be conclusive and shall not be questioned in any Court.

(7) If notice signed in writing is given to the Speaker of Parliament, signed by not less than one half of all the members of Parliament, of a motion alleging that the President has committed any violation of the Constitution or any gross misconduct in the performance of the functions of his office and specifying the particulars of the allegations and proposing that a tribunal be appointed under this section to investigate those allegations, the Speaker shall:

(a) if Parliament is then sitting or has been summoned to meet within five days, cause the motion to be considered by Parliament within 7 days of the notice; or

(b) if Parliament is not then sitting (and notwithstanding that it may be prorogued) summon Parliament to meet within 21 days of the notice and cause the motion to be considered at that meeting.

(8) Where a motion under subsection (7) is proposed for consideration by Parliament, Parliament shall meet in secret session and shall not debate the motion but the person presiding in Parliament shall forthwith cause a vote to be taken on the motion and, if the motion is supported by the votes of not less than two thirds of all the members of Parliament, shall declare the motion to be passed.

(9) If a motion is declared to be passed under subsection (8) of this section:

(a) the Speaker shall immediately notify the Chief Justice who shall appoint a tribunal which shall consist of a Chairman and not less than two others selected by the Chief Justice, one of whom shall hold or shall have held high judicial office;

(b) the tribunal shall investigate the matter and shall within the period of three months from the date on which the motion was passed report to Parliament whether or not they find the particulars of the allegation specified in the motion to have been sustained;

(c) the President shall have the right to appear and be represented before the tribunal during its investigation of the allegations against him.

(10) If the tribunal reports to Parliament that the tribunal finds that the particulars of any allegation against the President specified in the motion have not been substantiated, no further proceedings shall be taken under this section in respect of that allegation.

(11) If the tribunal reports to Parliament that the tribunal finds that the particulars of any allegations specified in the motion have been sub-

stantiated the Speaker shall cause such report to be laid on the table of Parliament, and Parliament may, in secret session on a motion supported by the votes of not less than two thirds of all the members of Parliament, resolve that the President has been guilty of such violation of the Constitution or, as the case may be, such gross misconduct as is incompatible with his continuance in office as President and, if Parliament so resolves, the President shall cease to hold office upon the third day following the passage of the resolution.

## CHAPTER III

### PARLIAMENT

#### Part I. Composition of Parliament

19. There shall be a Parliament of Sierra Leone which shall consist of the President, the Speaker and Members of Parliament.

20. (1) Members of Parliament shall be elected as follows —

(a) one member for each District who shall, subject to the provisions of this Constitution, be elected in such manner as may be prescribed by or under any law from among the persons who, under any law, are for the time being Paramount Chiefs; and

(b) such number of other members as Parliament may prescribe who, subject as aforesaid, shall be elected in such manner as may be prescribed by or under any law:

Provided that —

(i) the number of members to be elected in pursuance of paragraph (a) and the number of members to be elected in pursuance of paragraph (b) shall not together be less than sixty; and

(ii) no alteration in the number of Districts shall affect the composition of Parliament until the next dissolution of Parliament after such alteration.

(2) In any election of a member of Parliament the votes of the electors shall be given by ballot in such manner as not to disclose how any particular elector votes.

(3) In this section “District” means a district established under the Provinces Act or by any Act of Parliament amending or replacing that Act:

Provided that no alteration in the number of Districts shall be effected except by an Act of Parliament and unless the Bill for that Act is supported at the final vote thereon by the votes of not less than two thirds of all the members of Parliament.

21. (1) Subject to the provisions of section 22 any person who —

(a) has attained the age of twenty-five years; and

(b) is a citizen of Sierra Leone (otherwise than by naturalization) either of whose parents is a person of negro african descent; and

(c) is an elector whose name is on a register of electors under the Franchise and Electoral Registration Act, 1961 or any Act of Parliament amending or replacing that Act; and

(d) is able to speak, and unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament,

shall be qualified for election as such a member of Parliament as is referred to in paragraph (b) of sub-section, (1) of section 20, and any such person who, under any law, is for the time being a Paramount Chief shall be qualified for election as such a member of Parliament as is referred to in paragraph (a) of that sub-section, and no other person shall be qualified to be so elected:

Provided that a person who becomes a citizen of Sierra Leone by registration by law shall not be qualified for election as such a member of Parliament or of any Local Authority unless he shall have resided continuously in Sierra Leone for twenty-five years after such registration or shall have served in the Civil or Regular Armed Services of Sierra Leone for a continuous period of twenty-five years.

(2) For the purposes of this section the expression "person of negro african descent" means any person either of whose parents is a negro of african origin.

22. (1) No person shall be qualified for election as a member of Parliament —

(a) if he is a citizen of a country other than Sierra Leone having become such a citizen voluntarily or is under a declaration of allegiance to such a country; or

(b) if he is a member of any Commission established under this Constitution, a public officer or a member of the armed forces of the Government or has been such member or officer within twelve months prior to the date on which he seeks to be elected; or

(c) if he holds the office of Speaker; or

(d) if being a person possessed of professional qualifications, he is disqualified (otherwise than at his own request) from practising his profession in Sierra Leone by order of any competent authority made in respect of him personally within the immediately preceding five years of an election held under sections 29 and 48; or

(e) if under any law in force in Sierra Leone he is adjudged to be a lunatic or otherwise declared to be of unsound mind; or

(f) if he is under a sentence of death imposed on him by any court or a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by a court or substituted by a competent authority for some other sentence imposed on him by a court; or

(g) if within five years prior to the date on which he seeks to be

elected he has been sentenced to imprisonment for a period exceeding twelve months for an offence which involves dishonesty and has not been granted a pardon; or

(h) if, in the case of the election of such a member as is referred to in paragraph (b) of sub-section (1) of section 20, he is for the time being Paramount Chief under any law.

(2) Parliament may provide that a person shall not be qualified for election to Parliament for such period (not exceeding five years) as may be prescribed by Parliament if he is convicted by any court for such offences connected with the election of members of Parliament as may be so prescribed.

(3) Parliament may provide that a person who is the holder of any office the functions of which involve responsibility for, or in connection with, the conduct of any election to Parliament or the compilation of any register of votes for the purposes of such an election shall not be qualified for election to Parliament.

(4) Parliament may provide that a person disqualified under paragraph (f) or (g) of sub-section (1) by reason of his being under a sentence of imprisonment exceeding twelve months for any such offence (being an offence that appears to Parliament to involve dishonesty) as may be prescribed by Parliament or by reason of his being under sentence of imprisonment that includes such a sentence for any such offence shall not be qualified for election as a member of Parliament for such period from the date on which he ceases to be disqualified under that paragraph (not exceeding five years) as may be so prescribed.

(5) For the purposes of paragraphs (f) and (g) of sub-section (1) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceed twelve months but if any one of those sentences exceeds that term they shall be regarded as one sentence.

(6) A person shall not be disqualified for election as a member of Parliament under paragraph (b) of sub-section (1) by reason only that he holds the office of Prime Minister, Minister, Deputy Minister, Chief, Member of a Chiefdom Council, Member of a Local Court or member of any body corporate established by or under any of the following laws, that is to say, the Freetown Municipality Act, the Chiefdom Councils Act, the Rural Area Act, the District Councils Act, the Sherbro Urban District Council Act, the Bo Town Council Act, and the Townships Act or any law amending or replacing any of those laws.

(7) Save as otherwise provided by Parliament, a person shall not be disqualified for election as a member of Parliament under paragraph (b) of sub-section (1) by reason only that he holds office as a member of a statutory corporation.

(8) If any person who holds office as a member of a statutory corporation

is elected as a member of Parliament he shall unless it is otherwise provided by Parliament, thereupon cease to hold office as a member of the corporation.

23. (1) The Speaker of Parliament shall be elected by the members of Parliament from among persons who are members of Parliament or who are qualified to be elected as such whether in pursuance of paragraph (a) or paragraph (b) of sub-section (1) of section 20.

(2) The Speaker shall be elected by a resolution in favor of which there are cast the votes of not less than two thirds of all the members of Parliament:

Provided that if three successive resolutions proposing the election of a Speaker fail to receive the votes of two thirds of all the members of Parliament, the Speaker shall be elected by a resolution passed by a simple majority of all the members.

(3) No person shall be elected as Speaker —

- (a) if he is a public officer, member of the armed forces or the holder of any other office of emolument under the Government; or
- (b) if he is a Minister or Deputy Minister.

(4) The Speaker shall vacate his office —

- (a) if any circumstances arise that, if he were not the Speaker, would disqualify him from election as Speaker;
- (b) when Parliament first meets after any dissolution; or
- (c) if he is removed from office by a resolution of Parliament supported by the votes of not less than two thirds of all its members.

(5) No business shall be transacted in Parliament (other than an election to the office of Speaker) at any time if the office of Speaker is vacant.

24. (1) There shall be a Deputy Speaker who shall be elected by the members of Parliament.

(2) No person shall be elected as Deputy Speaker unless he is a member of Parliament and is not a Minister or Deputy Minister.

(3) The members of Parliament shall elect a person to the office of Deputy Speaker —

- (a) at the first sitting of Parliament in every session; and
- (b) at the first sitting of Parliament after the occurrence of a vacancy in the office of Deputy Speaker, or so soon thereafter as may be convenient.

(4) The Deputy Speaker shall vacate his office —

- (a) if he ceases to be a member of Parliament;
- (b) if he becomes a Minister or Deputy Minister; or
- (c) if he is removed from office by a resolution of Parliament.

(5) If the Speaker is absent from Sierra Leone or otherwise unable to perform any of the functions conferred upon him by this Constitution those functions may be performed by the Deputy Speaker.

25. In any election of a Speaker or Deputy Speaker the votes of the

members of Parliament shall be given by ballot in such manner as not to disclose how any particular member votes.

26. (1) A member of Parliament shall vacate his seat —

- (a) if he is elected as Speaker;
- (b) if any other circumstances arise that if he were not a member of Parliament would cause him to be disqualified for election as such under sub-section (1) of section 22 or any law enacted in pursuance of sub-sections (2) or (3) of that section;
- (c) if he ceases to be a citizen of Sierra Leone; or
- (d) save as otherwise provided by Parliament, if he becomes a member of any statutory corporation; or
- (e) if he is absent from sittings of Parliament for such period and in such circumstances as may be prescribed in the rules of procedure of Parliament; or
- (f) if, in the case of such a member as is referred to in paragraph (b) of sub-section (1) of section 20, he becomes a Paramount Chief under any law; or
- (g) if, in the case of such a member as is referred to in paragraph (a) of sub-section (1) of section 20, he ceases to be a Paramount Chief under any law; or
- (h) if, in the case of such a member as is referred to in paragraph (b) of sub-section (1) of section 20, he ceases to be qualified under any law to be registered as an elector for election to Parliament of the members referred to in that paragraph;
- (i) if, in the case of a member referred to in sub-section (1) of section 20 he is adjudged to be a lunatic or declared to be of unsound mind or sentenced to death.

(2) Parliament may, in order to permit any member of Parliament who has been adjudged to be a lunatic, declared to be of unsound mind or sentenced to death or imprisonment to appeal against the decision in accordance with any law, provided that, subject to such conditions as may be prescribed, the decision shall not have effect until such time as may be prescribed.

27. (1) There shall be an Electoral Commission for Sierra Leone.

(2) The members of the Electoral Commission shall be a Chief Electoral Commissioner, who shall be Chairman, and not less than two or more than four other members.

(3) The Members of the Electoral Commission shall be appointed by the President.

(4) A person shall not be qualified to hold the office of a member of the Electoral Commission if he is a Minister, a Deputy Minister, a member of Parliament, or a public officer.

(5) Subject to the provisions of this section, a member of the Electoral Commission shall vacate his office —



- (a) at the expiration of five years from the date of his appointment; or
- (b) if any circumstances arise which, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(6) A member of the Electoral Commission may be removed from office by the President, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) A member of the Electoral Commission shall not be removed from his office except in accordance with the provisions of this section.

(8) In the exercise of any functions vested in it by this Constitution the Electoral Commission shall not be subject to the direction or control of any other person or authority. Provided that the Electoral Commission shall from time to time report its activities to the President.

28. (1) Sierra Leone shall be divided into such constituencies for the purposes of electing the members of Parliament referred to in paragraph (b) of sub-section (1) of section 20 as the Electoral Commission, acting with the approval of Parliament signified by resolution, may prescribe.

(2) Every constituency established under this section shall return one member to Parliament.

(3) The boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features and the distribution of different communities.

(4) The Electoral Commission shall review the division of Sierra Leone into constituencies at intervals of not less than three and not more than ten years and may alter the constituencies in accordance with the provisions of this section to such extent as it may consider desirable in the light of the review:

Provided that the Commission may at any time carry out such a review and alter the constituencies in accordance with the provisions of this section to such extent as it considers necessary in consequence of any alteration in the number of members of Parliament referred to in paragraph (b) of sub-section (1) of section 20 or by reason of the holding of a census of the population of Sierra Leone in pursuance of an Act of Parliament.

(5) Where the boundaries of any constituency are altered in accordance with the provisions of this section that alteration shall come into effect upon the next dissolution of Parliament after the alteration has been approved by Parliament.

(6) In this section "population quota" means the number obtained by

dividing the number of inhabitants of Sierra Leone by the number of constituencies into which Sierra Leone is divided under this section.

(7) For the purposes of this section the number of inhabitants of Sierra Leone shall be ascertained by reference to the latest census of the population of Sierra Leone held in pursuance of an Act of Parliament or if no census has been so held, by reference to any available information, which in the opinion of the Electoral Commission best indicates the number of those inhabitants.

(8) The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Electoral Commission and in particular but without derogation from the generality of the foregoing, the Electoral Commission shall cause the register of voters in each constituency to be reviewed and revised at least once every year.

29. (1) When the seat of any member of Parliament becomes vacant the vacancy shall be filled by election in accordance with the provisions of law relating to such election:

Provided that if Parliament is dissolved before such election is due to be held the vacancy shall be filled at the general election.

(2) The Proclamation appointing a date for the holding of an election to fill a vacancy shall be published in the *Gazette* not less than twenty-one days before the date appointed for holding the election.

30. (1) The High Court shall have jurisdiction to hear and determine any question whether —

(a) any person has been validly elected as a member of Parliament; and

(b) the seat of a member of Parliament has become vacant.

(2) For the purposes of this section Parliament may make provision, or may authorise the making of provision with respect to the practice and procedure of the High Court or any court entitled to hear appeals from that Court and may confer upon the High Court or any such Court such powers, or may authorise the conferment thereon of such powers, as may appear to be necessary or desirable for the purpose of enabling the said courts more effectively to exercise the jurisdiction upon them by this section or by any law relating to the hearing of appeals from the High Court.

31. (1) There shall be a Clerk of Parliament.

(2) The office of the Clerk of Parliament and the offices of the members of his staff shall be public offices.

32. In this part, “statutory corporation” means any body corporate established directly by any law other than one of the laws specified in subsection (6) of section 22.

## Part II. Legislation and Procedure in Parliament

33. Subject to the provisions of this Constitution Parliament shall be the supreme legislative authority for Sierra Leone.

34. (1) Parliament may alter any of the provisions of this Constitution: Provided that in so far as it alters —

(a) this section;

(b) sections 1 to 15 inclusive, section 19, sub-section (2) of section 20, section 35, sub-section (2) of section 45, sections 46, 48, 65, 66, 67, 68, 73, 74, 75 to 81 inclusive, 82, 83, 85, 86, 87, 89, 90 and 96;

(c) section 93 in its application to any of the provisions specified in paragraphs (a) or (b);

a bill under this section shall not be submitted to the President for his signature unless the bill has been passed by Parliament in two successive sessions there having been a dissolution of Parliament between the first and second of those sessions.

(2) For the purposes of sub-section (1) a bill passed by Parliament in one session shall be deemed to be the same bill as a bill passed by Parliament in the preceding session if it is identical with that bill, or contains only such alterations as are certified by the Speaker to be necessary owing to the time that has elapsed since that bill was passed in the preceding session.

(3) A bill under this section and any bill relating to citizenship of Sierra Leone shall not be passed by Parliament in any session unless at the final vote thereon in that session it is supported by the votes of not less than two thirds of all the members of Parliament.

(4) The provisions of this Constitution shall not be altered except in accordance with the provisions of this section.

(5) In this section —

(a) references to any of the provisions of this Constitution include references to any law that amends, modifies, re-enacts with or without amendment or modification or makes different provision in lieu of, that provision; and

(b) references to the alteration of any of the provisions of this Constitution include references to the amendment or modification, or re-enactment with or without amendment or modification, of that provision, the suspension or repeal of that provision and making of different provision in lieu of that provision.

(6) No Act of Parliament shall be deemed to amend, add to or repeal or in any way alter any of the provisions of this Constitution unless it does so in express terms.

35. (1) No provision of any law in so far as it provides for the abolition of the office of Paramount Chief as existing by customary law and usage immediately before the entry into force of this Constitution, shall have

effect unless it is included in an Act of Parliament; and the provisions of section 34 shall apply in relation to the Bill for such an Act as they apply in relation to the bill for an Act of Parliament that alters any of the provisions of this Constitution that are referred to in the proviso to subsection (1) of that section.

(2) A Paramount Chief may be removed from office by the President if, after a public enquiry conducted under the Chairmanship of a Judge of the High Court or a Justice of Appeal, the President is of the opinion that it is in the public interest that the Paramount Chief should be removed.

36. (1) Every member of Parliament shall, before taking his seat in Parliament, take and subscribe before Parliament the oath to support the Constitution set out in the Second Schedule but a member may before taking that oath take part in the election of a Speaker.

(2) Any person elected to the office of Speaker who is not a member of Parliament shall before entering upon the duties of his office, take and subscribe before Parliament, the oath for the due execution of his office set out in the Second Schedule.

37. There shall preside at any sitting of Parliament —

(a) the Speaker; or

(b) in the absence of the Speaker, the Deputy Speaker; or

(c) in the absence of the Speaker and the Deputy Speaker, such member of Parliament not being a Minister or a Deputy Minister as Parliament may elect for that purpose:

Provided that when the President addresses Parliament in person, the Speaker shall leave his chair and no other person shall preside during such address.

38. If objection is taken by any member of Parliament that there are present in Parliament (besides the person presiding) less than one fourth of all the members of Parliament and, after such interval as may be prescribed in the rules of procedure of Parliament, the person presiding ascertains that the number of persons is still less than one fourth of all the members of Parliament, he shall thereupon adjourn Parliament.

39. The business of Parliament shall be conducted in the English language.

40. (1) Except as otherwise provided in this Constitution any question proposed for decision in Parliament shall be determined by a majority of the votes of the members present and voting.

(2) The person presiding in Parliament may cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case; if the person presiding does not exercise his casting vote the question proposed for decision in Parliament shall be deemed to be rejected.

(3) The rules of procedure of Parliament may provide that the vote of a member upon a question in which he has a direct pecuniary interest shall be disallowed and if any such provision is made a member whose vote is

disallowed in accordance therewith shall be deemed not to have voted.

41. Any person who sits or votes in Parliament knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding forty leones or such other sum as may be prescribed by Parliament for each day on which he so sits or votes in Parliament which shall be recoverable by action in the High Court at the suit of the Attorney-General.

42. (1) The power of Parliament to make laws shall be exercised by Bills passed by Parliament and signed by the President.

(2) A bill shall not become law unless it has been duly passed and signed in accordance with this Constitution.

(3) An Act signed by the President shall come into operation on the date of its publication in the *Gazette* or such other date as may be prescribed therein or in any other enactment.

(4) a Bill enacting a new Constitution shall not become law unless —

(a) the Bill is supported at the third reading by the votes of not less than two thirds of all the members of Parliament;

(b) the Bill, after it has been passed by Parliament and in the form in which it was so passed, as, in accordance with the provisions of any law in that behalf being submitted to and being approved at a referendum;

(5) every person who is entitled to vote in elections of elected members of Parliament shall be entitled to vote at a referendum held for the purposes of sub-section (4) of this section and no other person may so vote; and the bill shall not be regarded as having been approved at that referendum unless it was so approved by the votes of not less than one half of all such persons or by not less than two thirds of all the votes validly cast at the referendum.

(6) The conduct of any referendum for the purposes of sub-section (4) of this section shall be under the general supervision of the Electoral Commission and the provisions of section 28 of this Constitution shall apply in relation to the exercise by the Electoral Commission of its functions with respect to a referendum as they apply in relation to the exercise of its functions with respect to elections of members of Parliament.

(7) A bill for an Act of Parliament under this section shall not be submitted to the President for his assent unless it is accompanied by a certificate under the hand of the Speaker (or if the Speaker is for any reason unable to exercise the functions of his office, the Deputy Speaker) that the provisions of subsection (1), (2) and (3) of this section and, where appropriate, the provisions of sub-sections (4) and (5) of this section have been complied with, and every such certificate shall be conclusive for all purposes and shall not be questioned by any court.

43. Except upon the recommendation of the President signified by a Minister, Parliament shall not —

(a) proceed upon any bill (including any amendment to a bill) that in the opinion of the person presiding makes provision for any of the following purposes —

(i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;

(ii) for the imposition of any charge upon the Consolidated Revenue Fund or any other public fund of Sierra Leone or the alteration of any such charge otherwise than by reduction;

(iii) for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of Sierra Leone of any monies not charged thereon or any increase in the amount of such payment, issue or withdrawal; or

(iv) for the composition or remission of any debt due to the Government;

(b) proceed upon any motion (including an amendment to any motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes.

44. (1) Subject to the provisions of this Constitution, Parliament may regulate its own procedure.

(2) Notwithstanding anything to the contrary in this Constitution or in any other law contained, no decision, order or direction of Parliament or any committee of Parliament or the Speaker relating to the rules of procedure of Parliament or to the application or interpretation of such rules or any act done or purporting to have been done by Parliament or any committee of Parliament or by the Speaker under any rules of procedure shall be enquired into by any court.

(3) Parliament may act notwithstanding any vacancy in its membership (including any vacancy not filled when the Parliament first meets after the entry into force of this Constitution or after any dissolution of Parliament) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of Parliament shall not invalidate those proceedings.

### **Part III. Summoning, Prorogation and Dissolution**

45. (1) Each session of Parliament shall be held at such place within Sierra Leone and shall commence at such time as the President may by Proclamation appoint.

(2) There shall be a session of Parliament at least once in every year, so that a period of twelve months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session.

46. (1) The President may at any time prorogue or dissolve Parliament.

(2) Subject to the provisions of sub-section (3), Parliament unless sooner dissolved, shall continue for five years from the date of the first sitting of Parliament after any dissolution and shall then stand dissolved.

(3) At any time when Sierra Leone is at war, Parliament may extend the period of five years specified in sub-section (2) for not more than twelve months at a time;

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(4) In the exercise of his powers to dissolve Parliament, the President shall act in accordance with the advice of the Prime Minister:

Provided that —

(a) if the Prime Minister recommends a dissolution and the President considers that the government of Sierra Leone can be carried on without a dissolution and that a dissolution would not be in the interests of Sierra Leone, he may refuse to dissolve Parliament;

(b) if Parliament passes a resolution that it has no confidence in the Government and the Prime Minister does not within three days either resign or advise a dissolution, the President may dissolve Parliament; and

(c) if the office of Prime Minister is vacant and the President considers that there is no prospect of his being able to appoint a person who can command the support of the majority of the members of the Parliament to that office within a reasonable time, the President may dissolve Parliament.

47. (1) The President may at any time summon a meeting of Parliament.

(2) Subject to the provisions of sub-section (1) sittings of Parliament in any session after the commencement of that session shall be held at such times and on such days as Parliament shall appoint.

48. (1) Subject to the provisions of sub-section (2) a general election of the members of Parliament shall be held not later than the ninetieth day after any dissolution of Parliament or such earlier day as the President may by Proclamation appoint.

(2) If, when Parliament has been dissolved the Prime Minister advises the President that owing to the existence of a public emergency it would not be practicable to hold a general election within ninety days after the dissolution, the President, acting in accordance with the advice of the Prime Minister, may by Proclamation recall the Parliament that has been dissolved and the following provisions shall then have effect —

(a) Parliament shall meet at such date, not later than fourteen days after the date of the Proclamation, as may be specified therein;

(b) the Prime Minister shall, subject to the provisions of sub-section (5) of section 23, introduce or cause to be introduced in Parliament as soon as it meets a resolution, declaring that a public emergency exists and subject as aforesaid, no other business shall be transacted in the Parliament until that resolution has been passed or defeated;

(c) if the Resolution is passed by Parliament with the support of the

votes of not less than two thirds of all the members thereof, a general election shall be held on the last day of the period of twelve months beginning with the date of the original dissolution of the Parliament which has been recalled or such earlier date as the President acting in accordance with the advice of the Prime Minister shall appoint and the Parliament that has been recalled shall be deemed to be the Parliament for the time being and may meet and be kept in session accordingly until the date fixed for the nomination of candidates in that general election and, unless previously dissolved, shall then stand dissolved;

(d) if the resolution is defeated, or is passed with the support of the votes of less than two thirds of all the members of Parliament or has not been put to the vote within five days after it has been introduced the Parliament that has been recalled shall then be again dissolved and a general election shall be held not later than the ninetieth day after the date of the Proclamation by which Parliament was so recalled or such earlier date as the President may by Proclamation appoint.

## CHAPTER IV

### EXECUTIVE POWERS

49. (1) Subject to the provisions of this Constitution the executive power in Sierra Leone shall vest in the President and may be exercised either by him directly or through members of the Cabinet, Ministers, Deputy Ministers or public officers subordinate to him.

(2) In the exercise of any function conferred upon him by the Constitution or any other law, the President shall, unless otherwise it is provided, act in his own deliberate judgment and shall not be obliged to follow the advice tendered by any other person or authority.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the President.

50. (1) There shall be a Vice-President of Sierra Leone who shall be the principal assistant of the President in the discharge of his executive functions and who shall for all purposes be deemed to be the person designated Prime Minister in other sections of this Constitution.

(2) Where the Vice-President is performing the functions of the President in accordance with sub-section (6) of section 17 of this Constitution he may appoint a person from among the members of Parliament to perform the functions of Vice-President and any person so appointed may discharge those functions accordingly:

Provided that a person appointed under this section shall cease to perform the functions of the office of Vice-President —



- (a) if his appointment is revoked by the Vice-President;
- (b) if he ceases to be a member of Parliament otherwise than by reason of a dissolution of Parliament or
- (c) if the Vice-President ceases to perform the functions of the office of President.

(3) Notwithstanding the provisions of sub-section (7) of this section and if occasion arises for making the appointment of a Vice-President or other Minister while Parliament is dissolved, the President may appoint a person who was a member of Parliament immediately before such dissolution.

(4) There shall be such other offices of Minister of the Government and such offices of Deputy Minister as may be established by the President.

(5) Subject to the provisions of section 53 the Vice-President and the other Ministers under the direction of the President shall be responsible for such departments of State or other business of the Government as the President may assign to them.

(6) Notwithstanding the provisions of sub-section (5) of this section the President shall be responsible for such department of State or other business of the Government as he may determine.

(7) Appointments to the office of Vice-President, Minister or Deputy Minister shall be made by the President from among the members of Parliament by instrument under the Public Seal and all such Ministers shall hold office during the pleasure of the President:

Provided that the Vice-President shall be appointed from among the elected members of Parliament by instrument under the Public Seal.

- (8) The office of Vice-President, or other Minister shall become vacant —
- (a) if the President removes the holder from office by instrument under the Public Seal; or
  - (b) if the holder ceases to be a member of Parliament otherwise than by reason of a dissolution of Parliament; or
  - (c) on the acceptance of the President of the resignation of the holder of this office; or
  - (d) immediately before the assumption of office of a President.

51. (1) There shall be an Attorney General for Sierra Leone who shall be appointed by the President from among persons qualified to hold office as a Justice of Appeal and who shall be a Minister under this Constitution.

(2) Where no such qualified person is a Member of Parliament the President may appoint as Attorney General for Sierra Leone a Member of Parliament who is otherwise qualified to practise as a Barrister and Solicitor in the Superior Courts of judicature.

52. (1) There shall be a Cabinet comprised of the President, the Vice-President and the other Ministers, and at the meetings of which the President, or in his absence, the Vice-President, or some other Minister appointed by the President, shall preside.

(2) Subject to the powers of the President, the Cabinet shall be the

instrument of policy and shall be responsible for advising the President with respect to the policy of the Government.

(3) The Cabinet may act notwithstanding any vacancy in its membership.

(4) A Minister of State or a Deputy Minister shall not while he continues in office, hold any other office of profit or emolument whether private or public and either directly or indirectly.

(5) The Vice-President, a Minister of State or a Deputy Minister shall, on assuming office, make a declaration in writing of his assets and liabilities to the President.

53. (1) The Cabinet shall be collectively responsible to Parliament for any advice given to the President by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

(2) The provisions of this section shall not apply in relation to —

(a) the appointment and removal from office of Ministers, members of the Cabinet and Deputy Ministers, the assignment of responsibility to any Minister under section 54, or the authorization of another member of the Cabinet to perform the functions of the Vice-President during absence or illness;

(b) the dissolution of Parliament;

(c) the exercise of the prerogative of mercy; or

(d) the exercise by the Attorney General of the power conferred upon him under section 65.

54. The President may, by directions in writing, assign to the Vice-President or any other Minister responsibility for any business of the Government of Sierra Leone, including the administration of any department of government:

Provided that the responsibility for judicial affairs shall not be assigned to the Attorney General.

55. If the Vice-President is absent from Sierra Leone or is incapable by reason of illness or any other cause of discharging the functions of his office, the President may appoint a person from among the elected members of Parliament to perform the functions of the office of Vice-President and any person so appointed may discharge those functions accordingly:

Provided that a person appointed under this sub-section shall cease to perform the functions of the office of Vice-President —

(a) if his appointment is revoked by the President;

(b) if he ceases to be a member of Parliament otherwise than by reason of a dissolution of Parliament; or

(c) upon the assumption by any person of the office of President.

56. (1) In the exercise of his functions the President shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in cases where by this Constitution

or any other law he is required to act in accordance with the advice of any person or authority other than the Cabinet:

Provided that the President shall act in accordance with his own deliberate judgment in the performance of the following functions —

- (a) in the exercise of the powers relating to the dissolution of Parliament conferred upon him by the proviso to subsection (4) of section 46;
- (b) in the exercise of the power to appoint the Vice-President conferred upon him by subsection (2) or (5) of section 50;
- (c) in the exercise of the powers conferred upon him by section 55 (which relates to the performance of the functions of the Vice-President during absence or illness) in the circumstances described in the proviso to subsection (2) of that section; and
- (d) in signifying his approval for the purposes of section 83 of an appointment to an office on his personal staff.

(2) Where by this Constitution the President is required to act in accordance with the advice of any person or authority, the question whether he has in any case received, or acted in accordance with such advice shall not be enquired into in any court.

(3) The reference in subsection (1) to the functions of the President shall be construed as a reference to his powers and duties in the exercise of the executive authority of Sierra Leone and to any other powers and duties conferred or imposed on him as President by or under this Constitution or any other law.

57. The Vice-President and the Cabinet shall keep the President fully informed concerning the general conduct of the government of Sierra Leone and shall furnish the President with such information as he may request with respect to any particular matter relating to the Government of Sierra Leone.

58. (1) The President may appoint Deputy Ministers from among the members of Parliament to assist Ministers in the performance of their duties:

Provided that if occasion arises for making an appointment while Parliament is dissolved, a person who was a member of Parliament immediately before the dissolution may be appointed as Deputy Minister.

(2) The office of a Deputy Minister shall become vacant —

- (a) if he ceases to be a member of Parliament otherwise than by reason of a dissolution of Parliament;
- (b) upon the election or re-election of any person as President; or
- (c) if the President so directs.

59. A member of the Cabinet, a Minister or Deputy Minister shall not enter upon the duties of his office unless he has taken and subscribed the oath for the due execution of his office set out in the Second Schedule.

60. Where any Minister has been charged with responsibility for any

department of government, he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary, whose office shall be a public office:

Provided that two or more government departments may be placed under the supervision of one Permanent Secretary.

61. Subject to the provisions of this Constitution and of any Act of Parliament, the President may constitute offices for Sierra Leone, make appointments to any such office and terminate any such appointment.

62. (1) There shall be a Secretary to the Cabinet whose office shall be a public office.

(2) The Secretary to the Cabinet shall have charge of the Cabinet Secretariat and shall be responsible, in accordance with such instructions as may be given him by the President, for arranging the business for and keeping the minutes of, the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the President may from time to time appoint.

63. (1) The President may, acting in accordance with the advice of a Committee by the Cabinet over which the Vice-President shall preside —

(a) grant to any person concerned in or convicted of any offence against the law of Sierra Leone a pardon, either free or subject to lawful conditions;

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence;

(c) substitute a less severe form of punishment for any punishment imposed on any person for such offence;

(d) remit the whole or any part of any punishment imposed upon any person for such an offence or of any penalty or forfeiture otherwise due to the Government on account of such an offence:

Provided that, in cases which the Vice-President considers urgent, the President may exercise the powers specified in paragraph (a) on the advice of the Vice-President alone but the Vice-President shall inform the Committee of any such advice as soon as practicable after giving the same.

(2) Where any person has been sentenced to death by any Court (other than a court martial) for any offence, the Committee appointed under subsection (1) shall cause a written report of the case from the trial judge, together with such other information, including a medical report on the prisoner, derived from the record of the case or elsewhere, as the Committee may require, to be submitted to it as soon as possible.

64. (1) The President shall, by constitutional instrument, make Regulations for the registration of professional bodies.

(2) Regulations made pursuant to the provisions of the preceding subsection shall provide —

(a) for the recognition by the President of any such body as is registered;

(b) that no person shall practise as a member of a profession unless he shall have been duly registered pursuant to the Regulations so made; and

(c) for the right of a professional body so registered to promulgate rules and regulations governing the admission and the code of ethics, of its members compatible with its traditions.

(3) The President shall, acting in accordance with the advice of a professional body recognized by him, establish by constitutional instrument, the governing body of any such professional body which shall regulate and supervise the practice of the profession concerned.

(4) For the purpose of this section, the expression "professional body" includes a society, an institution, or groups of persons, by whatever name called, the members of which are —

(a) trained and qualified in a profession recognized as such, and,

(b) united in a common interest for the purposes of pursuing research and other activities concerned with the progress of knowledge in any such profession and for maintaining and advancing a code of ethics and conduct among its members and generally for the maintenance of the highest standards compatible with the ideals and principles of the profession concerned.

65. (1) There shall be a Solicitor-General whose office shall be a public office and he shall have power in any case in which he considers it desirable so to do —

(a) to institute and undertake criminal proceedings against any person before any court in respect of any offence against the law of Sierra Leone;

(b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered such criminal proceedings instituted or undertaken by himself or any other person or authority.

(2) The Solicitor-General shall in all matters including his powers under this Constitution or any other law be subject to the general or special direction of the Attorney General.

(3) The powers conferred upon the Attorney General by this section shall be vested in him to the exclusion of any other person or authority:

Provided that, where any other person or authority has instituted criminal proceedings, nothing in this section shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(4) In the exercise of the powers conferred upon him by this section the

Attorney General shall not be subject to the direction or control of any other person or authority.

(5) For the purposes of this section, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purposes of any such proceedings, to any other court shall be deemed to be part of those proceedings.

## CHAPTER V

### THE JUDICATURE

66. (1) The Judicature shall consist of a Supreme Court, a Court of Appeal and a High Court which shall exercise such jurisdiction and powers as may be conferred upon them by this Constitution or any other law.

(2) (a) The Chief Justice shall be the head of the Judiciary and shall be responsible for the administration of the said Courts which shall consist of not less than three Justices of the Supreme Court, three Justices of Appeal and three Judges of the High Court.

(b) By virtue of his appointment as such the Chief Justice shall be entitled to sit and act as a Justice of the Supreme Court, a Justice of Appeal and a Judge of the High Court.

(3) The judges of the High Court shall be *ex officio* Justices of Appeal and the Justices of Appeal shall be *ex officio* Justices of the Supreme Court:

Provided that a Judge of the High Court shall not be an *ex officio* Justice of Appeal if he is not qualified for appointment as a Justice of Appeal under the provisions of paragraph (a) of subsection (3) of section 67.

(4) Notwithstanding the provisions of sub-sections (1), (2) and (3), any Justice of Appeal, if he consents so to do, may, on the request of the Chief Justice, sit and act as a Judge of the High Court.

(5) Every such person, while sitting and acting as a Judge of the High Court, shall have all the jurisdiction, powers and privileges of, but not otherwise be deemed to be, a Judge of the High Court.

(6) Whenever, in the opinion of the Chief Justice, a number of pending appeals in the Court of Appeal cannot be disposed of within a reasonable time he may request a Justice of the Supreme Court to sit and act as a Justice of Appeal at any sittings of that Court, and any Justice of the Supreme Court whose attendance is so requested shall attend accordingly.

(7) Neither the Chief Justice nor any Justice of the Court of Appeal or of the Supreme Court or Judge of the High Court may take any part in the hearing of any Appeal from his own judgment or the judgment of a bench of judges of which he was a member.

(8) No office of Judge of the High Court, Justice of Appeal or Justice of

the Supreme Court shall be abolished while there is a substantive holder thereof.

(9) The Supreme Court, the Court of Appeal and the High Court shall be superior courts of record and, save as provided by Parliament, shall have all the powers of such courts.

67. (1) Without prejudice to the provisions of section 68, the Chief Justice shall be appointed by the President acting in accordance with the advice of the Prime Minister from among persons qualified to hold office as a Justice of the Supreme Court.

(2) The Justices of the Supreme Court, the Justices of Appeal and the Judges of the High Court shall be appointed by the President acting in accordance with the advice of the Prime Minister.

(3) (a) A person shall not be qualified for appointment as a Justice of the Supreme Court or a Justice of Appeal unless he is entitled to practise as an advocate or solicitor in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in a court having jurisdiction in appeals from any such court and has been so entitled for not less than ten years.

(b) A person shall not be qualified for appointment as a Judge of the High Court unless he is entitled to practise as an advocate or solicitor in a Court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in a court having jurisdiction in appeals from any such court and has been so entitled for not less than seven years.

(c) For the purposes of this sub-section a person shall not be regarded as not being entitled to practise as an advocate or solicitor in a court by reason only that he is precluded from doing so by virtue of his holding, or acting in, any office.

68. (1) Subject to the provisions of this section, a Judge of the High Court shall vacate that office on attaining the age of sixty years and the Chief Justice, a Justice of the Supreme Court and a Justice of Appeal on attaining the age of sixty-two years:

Provided that any such Judge or Justice who has attained such retiring age may with the permission of the President continue in office for such further period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before he attained such retiring age.

(2) The Chief Justice, a Justice of the Supreme Court, a Justice of Appeal and a Judge of the High Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehavior and shall not be so removed except in accordance with the provisions of this section.

(3) The Chief Justice, a Justice of the Supreme Court, a Justice of Appeal and a Judge of the High Court shall be removed from office by the

President if a resolution supported by the votes of not less than two thirds of all the members of Parliament is passed recommending his removal from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehavior.

(4) Before a resolution on the question of whether the Chief Justice, a Justice of the Supreme Court, a Justice of Appeal or a Judge of the High Court shall be removed from office on grounds of inability or misbehavior is put to the vote the person whose inability or misbehavior is in question shall be given an adequate opportunity of appearing and making representations either in person or through a representative of his own choice.

69. A Justice of the Supreme Court, a Justice of Appeal and a Judge of the High Court shall not enter upon the duties of his office unless he has taken and subscribed the oath for the due execution of his office set out in the Second Schedule.

70. No person who, having held the office of Chief Justice, Justice of the Supreme Court, Justice of Appeal or Judge of the High Court, has retired, resigned or been removed (other than on grounds of misbehavior) from such office shall be precluded from pleading or acting as a legal practitioner in any court or before any other authority in Sierra Leone.

71. If the office of a Judge of the High Court is vacant or if any such Judge is for any reason unable to perform the functions of his office or if the state of business in the High Court so requires the President may, acting in accordance with the advice of the Prime Minister, appoint a person qualified for appointment as a Judge of the High Court to act as a Judge of that Court and a person may be so appointed notwithstanding the fact that he has already attained the retiring age prescribed by section 68.

72. Appeals from the High Court shall lie to the Court of Appeal and from the Court of Appeal to the Supreme Court in such circumstances and under such conditions as Parliament shall by law prescribe.

73. (1) There shall be a Judicial Commission.

(2) The members of the Judicial Commission shall be —

- (a) the Chief Justice who shall be Chairman;
- (b) the Chairman of the Public Service Commission;
- (c) a Justice of Appeal or a Justice of the Supreme Court;
- (d) a person who is, or was, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court; and
- (e) one other member,

and shall with the exception of the Chief Justice and the Chairman of the Public Service Commission be appointed by the President acting in accordance with the advice of the Prime Minister.

(3) The following provisions shall apply in relation to the members of



the Judicial Commission other than the Chief Justice and the Chairman of the Public Service Commission —

(a) subject to the provisions of this sub-section, all such members shall vacate office at the expiration of three years from the date of their appointment;

(b) any such member may be removed from office by the President acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehavior; and

(c) such member shall not be removed from office except in accordance with the provisions of this sub-section.

74. (1) Power to appoint persons to hold or act in any office to which this section applies (including power to make appointments on promotion and transfer from one office to another and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Judicial Commission:

Provided that, that Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this section, by direction in writing to any of its members, to any Judge of the High Court, to the holder of any office to which this section applies, or, in the case of a power relating to an office connected with the Court of Appeal or the Supreme Court to any Justice of either of those Courts.

(2) This section applies to the offices of Registrar of the Supreme Court, Registrar of the Court of Appeal, Master and Registrar of the High Court, Deputy Master and Registrar of the High Court, any Registrar of the High Court, Administrator and Registrar-General, any Magistrate, Under-Sheriff, and such other offices connected with any Court as may be prescribed by Parliament.

## CHAPTER VI

### FINANCE

75. (1) All revenue or other monies raised or received by Sierra Leone (not being revenue or other monies payable under this Constitution or any other law into some other public fund established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund.

(2) No monies shall be withdrawn from the Consolidated Revenue Fund except to meet expenditure that is charged upon the Fund under this Constitution or any Act of Parliament or where the issue of those monies has been authorised by an Appropriation Act or an Act passed in pursuance of section 77.

(3) No monies shall be withdrawn from any public fund other than the

Consolidated Revenue Fund unless the issue of those monies has been authorised by an Act of Parliament.

(4) No monies shall be withdrawn from the Consolidated Revenue Fund or any other public fund except in the manner prescribed by or under any law.

76. (1) The Minister responsible for finance shall cause to be prepared and laid before Parliament in each financial year estimates of the revenues and expenditure of Sierra Leone for the next following financial year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund by this Constitution or any Act of Parliament) shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found —

(a) that the amount appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act; or  
(b) that any money has been expended for any purpose in excess of the amount appropriated for the purpose by the Appropriation Act or for purpose for which no amount has been appropriated by the Act, a Supplementary Estimate showing the sums required or spent shall be laid before Parliament and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.

77. Parliament may make provisions under which, if the Appropriation Act in respect of any financial year has not come into operation at the beginning of that financial year, the Minister responsible for Finance may authorize the withdrawal of monies from the Consolidated Revenue Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the Act whichever is the earlier.

78. (1) Parliament may provide for the establishment of Contingencies Fund and for authorizing the Minister responsible for finance, if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

(2) Where any advance is made in accordance with sub-section (1) a Supplementary Estimate shall be presented and a Supplementary Appropriation Bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

79. (1) There shall be paid to the holders of the offices to which this section applies such salaries and allowances as may be prescribed by or under any law.

(2) The salaries and allowances payable to the holders of the offices to which this section applies shall be a charge on the Consolidated Revenue Fund.

(3) The salary and allowances payable to the holder of any office to which this section applies and his other terms of service shall not be altered to his disadvantage after his appointment, and for the purposes of this subsection, in so far as the terms of service of any person depend on the option of that person, the terms for which he opts shall be taken to be more advantageous to him than any other terms for which he might have opted.

(4) This section applies to the offices of the President, the Chief Justice, a Justice of the Supreme Court, a Justice of Appeal, a Judge of the High Court, the member of the Judicial Commission appointed under paragraph (d) of subsection (2) of section 73, a member of the Electoral or Public Service Commission, the Chairman of the Public Service Commission and the Director of Audit.

80. (1) There shall be a Director of Audit for Sierra Leone whose office shall be a public office.

(2) The public accounts of Sierra Leone and of all offices, courts and authorities of Sierra Leone shall be audited and reported on by the Director of Audit and for that purpose the Director or any person authorized by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The Director of Audit shall submit his reports to the Minister responsible for finance, who shall cause them to be laid before Parliament.

(4) In the exercise of his functions under this Constitution the Director of Audit shall not be subject to the direction or control of any other person or authority.

81. (1) The public debt of Sierra Leone shall be secured on the revenues and assets of Sierra Leone.

(2) In this section references to the public debt of Sierra Leone include references to the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

## CHAPTER VII

### THE PUBLIC SERVICE

82. (1) There shall be a Public Service Commission which shall consist of a Chairman and not less than two nor more than four other members.

(2) The members of the Public Service Commission shall be appointed by the President acting in accordance with the advice of the Prime Minister.

(3) A person shall not be qualified to hold the office of a member of the Public Service Commission if he is a member of Parliament, a Minister or a Deputy Minister or if he holds or is acting in any public office.

(4) A person who has held office or who has acted as a member of the Public Service Commission shall not, within a period of three years commencing with the date on which he last so held office or acted, be eligible for appointment to any public office.

(5) The office of a member of the Public Service Commission shall become vacant —

(a) at the expiration of a period of five years from the date of his appointment or such shorter period, not being less than three years, as may be specified at the time of his appointment;

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(6) A member of the Public Service Commission may be removed by the President, acting in accordance with the advice of the Prime Minister, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehavior.

(7) A member of the Public Service Commission shall not be removed except in accordance with the provisions of this section.

(8) If the office of a member of the Public Service Commission is vacant or a member is for any reason unable to perform the functions of his office, the President acting in accordance with the advice of the Prime Minister may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission and any person so appointed shall, subject to the provisions of paragraph (b) of sub-section (5), continue to act until his appointment is revoked by the President acting in accordance with the advice of the Prime Minister.

83. (1) Power to appoint persons to hold or act in offices in the public service (including power to make appointments on promotion and to confirm appointments) and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Public Service Commission:

Provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit delegate any of its powers under this section, by directions in writing to any of its members or to any public officer.

(2) The power to transfer persons holding or acting in offices in the public service from one department of Government to another shall, (where such transfer does not involve promotion) vest in the Minister to whom responsibility for the public service is, for the time being, assigned.

(3) The provisions of this section shall not apply in relation to any of the following offices —

(a) the office of any Judge of the Supreme Court, the Court of Appeal or the High Court;

(b) the office of Director of Audit;

- (c) any office to which section 74 (which relates to offices within the jurisdiction of the Judicial Commission) applies;
- (d) any office to which section 84 (which relates to the offices of Permanent Secretaries and certain other offices abroad) applies;
- (e) any office to which section 85 (which relates to the offices of Permanent Secretaries and certain other offices) applies; and
- (f) any office the remuneration of the holder of which is calculated on a daily rate:

Provided that the power of transfer vested in the Minister under sub-section (2) may be exercised in the case of persons holding any of the offices specified in this sub-section where such persons express their consent in writing to such transfer.

(4) The provisions of this section shall not apply in relation to any office in the Sierra Leone Police Force except in the following cases —

- (a) with respect to appointments (including appointments on promotion and the confirmation of appointments) of persons to hold or act in the office of Chief Inspector or any office of higher rank (other than that of the Commissioner of Police) and the dismissal and disciplinary control of persons holding or acting in any such office; and
- (b) subject to the provisions of sub-section (5), with respect to the dismissal or reduction in rank of any person holding or acting in an office below the rank of Chief Inspector.

(5) Unless Parliament otherwise provides, the power to dismiss or reduce in rank any person holding or acting in an office in the Sierra Leone Police Force below the rank of Chief Inspector shall be exercised under sub-section (1) only on the recommendation of the Commissioner of Police.

(6) No appointment shall be made under this section to any office on the personal staff of the President unless he signifies his personal approval of the appointment.

(7) Before the Public Service Commission appoints to any public office a person holding or acting in any office within the jurisdiction of the Judicial Commission, it shall consult with that Commission.

(8) The Public Service Commission shall not dismiss, or inflict any other punishment on, a public officer on the grounds of any act done or omitted to be done by that officer in the exercise of a judicial function conferred upon him unless the Judicial Commission concurs therein.

84. (1) Power to appoint persons to hold or act in the offices to which this section applies (including power to make appointments on promotion and transfer from one office to another and to confirm appointments) and to remove persons so appointed from any such office shall vest in the President acting in accordance with the advice of the Prime Minister.

(2) The offices to which this section applies are the offices of Ambassador, High Commissioner, or other principal representative of Sierra Leone abroad.

85. (1) Power to appoint persons to hold or act of the offices to which this section applies (including power to make appointments on promotion and transfer from one office to another and to confirm appointments) and to remove persons so appointed from any such office shall vest in the President acting in accordance with the advice of the Prime Minister.

(2) The offices to which this section applies are the offices of the Secretary to the Prime Minister, Secretary to the Cabinet, Financial Secretary, Commander of the Armed Forces, Commissioner of Police, Establishment Secretary, Provincial Secretary and a Permanent Secretary.

(3) Before tendering any advice for the purposes of this section the Prime Minister shall consult the Public Service Commission.

86. (1) The Director of Audit shall be appointed by the President acting in accordance with the advice of the Prime Minister.

(2) Subject to the provisions of this section the Director of Audit shall vacate that office when he attains such age as may be prescribed by Parliament.

(3) The Director of Audit shall be removed from office by the President if a resolution supported by the votes of not less than two thirds of all the members of Parliament is passed recommending his removal from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehavior.

(4) The Director of Audit shall not be removed from office except in accordance with the provisions of this section.

(5) If the office of the Director of Audit is vacant or the holder of the office is for any reason unable to perform the functions of his office the President acting in accordance with the advice of the Prime Minister may appoint a person to act in the office and any person so appointed shall, subject to the provisions of this section relating to the removal of the Director, continue to act until his appointment is revoked by the President acting in accordance with the advice of the Prime Minister.

(6) Before advising the President for the purposes of this section the Prime Minister shall consult the Public Service Commission.

87. (1) The law applicable to any benefits to which this section applies shall in relation to any person who has been granted, or who is eligible for the grant of, such benefits be that in force on the relevant date or any later law that is not less favorable to that person.

(2) In this section "the relevant date" means —

(a) in relation to any benefits granted before the twenty-seventh day of April, 1961, the date on which those benefits were granted;

(b) in relation to any benefits granted or to be granted on or after the twenty-seventh day of April, 1961, to or in respect of any person who was a public officer before that date, the twenty-sixth day of April, 1961; and

(c) in relation to any benefits granted or to be granted to or in

respect of any person who becomes a public officer on or after the twenty-seventh day of April, 1961, the date on which he becomes a public officer.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favorable to him than the other law or laws.

(4) Any benefit to which this section applies (not being a benefit that is a charge upon some other public fund of Sierra Leone) shall be a charge upon the Consolidated Revenue Fund.

(5) This section applies to any benefits payable under any law providing for the grant of pensions, gratuities or compensation to persons who are or have been public officers in respect of their service in the public service or to the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References to the law applicable to any benefits to which this section applies include (without prejudice to their generality) references to any law relating to the time at which and the manner in which any person may retire in order to become eligible for those benefits.

88. (1) Where any benefits to which this section applies can be withheld, reduced in amount or suspended by any person or authority under any law those benefits shall not be so withheld, reduced in amount or suspended —

(a) in the case of benefits which have been granted in respect of service in the public service of any person who at the time when he ceased to be a public officer was subject to the jurisdiction of the Judicial Commission or for which any person may be eligible in respect of such service, without the approval of that Commission; or

(b) in any other case, without the approval of the Public Service Commission.

(2) No benefits to which this section applies that have been granted to or in respect of any person who is or has been a Judge of the High Court, a Justice of Appeal or of the Supreme Court or a Judge of the existing or any former Supreme Court or for which any such person or his widow, children, dependants or personal representatives may be eligible shall be withheld, reduced in amount or suspended on the ground that that person has been guilty of misbehavior unless that person has been removed from judicial office by reason of such misbehavior.

(3) This section applies to any benefits payable under any law providing for the grant of pensions, gratuities or compensation to persons who are or have been public officers in respect of their service in the public service or to the widows, children, dependants or personal representatives of such persons in respect of such service.

## CHAPTER VIII

## MISCELLANEOUS

89. (1) Any Commission established by this Constitution may with the consent of the Prime Minister and subject to the provisions of sub-section (2) by regulation or otherwise regulate its own procedure and confer powers and impose duties on any public officer or on any authority of the Government for the purpose of the discharge of its functions.

(2) At any meeting of any Commission established by this Constitution a quorum shall be constituted if three members are present; and, if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person who was not entitled to do so took part therein.

90. The question whether —

(a) any Commission established by this Constitution has validly performed any function vested in it by or under this Constitution;

(b) any member of such a Commission or any other person has validly performed any function delegated to such member or person in pursuance of the provisions of sub-section (1) of section 74 or, as the case may be, sub-section (1) of section 83, or

(c) any member of such a Commission or any other person or authority has validly performed any other function in relation to the work of the Commission or in relation to any such function as is referred to in paragraph (b),

shall not be enquired into in any Court.

91. (1) Any person who is appointed or elected to, or otherwise selected for, any office established by this Constitution (including the office of Prime Minister, Member of the Cabinet, Minister or Deputy Minister) may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed, elected or selected:

Provided that in the case of the Speaker or the Deputy Speaker his resignation from office shall be addressed to Parliament and in the case of a member of Parliament his resignation from Parliament shall be addressed to the Speaker.

(2) The resignation of any person from any such office as aforesaid shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorized by that person or authority to receive it.

(3) Where any person holding an office mentioned in section 79 accepts another such office carrying higher remuneration, he shall, unless a contrary intention appears from the terms of his appointment, be deemed to



have relinquished the office he was originally holding; where the second office does not carry higher remuneration, the question whether or not he shall be deemed to have relinquished the original office shall depend on the terms of his second appointment.

92. (1) Where any person has vacated any office established by this Constitution he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Constitution.

(2) Where by this Constitution a power is conferred upon any person or authority to make any appointment to any public office a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

93. (1) In this Constitution unless a contrary intention appears —

“Court” means any court of law in Sierra Leone other than a court martial;

“law” includes —

(a) any instrument having the force of law made in exercise of a power conferred by law;

(b) customary law and any other unwritten rule of law;

“Local Court” means a court established by or under the Local Courts Act, 1963;

“public office” means an office of emolument in the public service;

“public officer” means, a person holding or acting in a public office;

“the public service” means, subject to the provisions of sub-sections (2) and (3) service of the Government of Sierra Leone in a civil capacity and includes such service in respect of the Government existing in Sierra Leone prior to the twenty-seventh day of April, 1961;

“session” means the sittings of Parliament beginning when it first meets after the commencement of this Constitution or after the prorogation or dissolution of Parliament at any time and ending when Parliament is prorogued or dissolved without having been prorogued;

“Sierra Leone” means the territory more particularly described in the Third Schedule;

“The Sierra Leone Police Force” means the Police Force established under the Police Act, 1964;

“sitting” means a period during which Parliament is sitting continuously without adjournment and includes any period during which Parliament is in committee;

“Chiefdom Council” means a Chiefdom Council constituted under the Chiefdom Councils Act.

(2) In this Constitution, unless otherwise expressly provided, "the public service" includes service in the office of Chief Justice, a Justice of the Supreme Court, Justice of Appeal, Judge of the High Court or of the former Supreme Court or in the office of Judge of any other court established by Parliament, being an office the emoluments attaching to which are paid out of the Consolidated Revenue Fund or any other public fund of Sierra Leone, and service in the office of a member of the Sierra Leone Police Force.

(3) In this Constitution "the public service" does not include service in the office of the President, Prime Minister, Speaker, Minister, Attorney General, Deputy Minister, Deputy Speaker, member of Parliament, or any person serving in the office of Ambassador or High Commissioner after the entry into force of this Constitution, or in the office of any member of any Commission established by this Constitution, or any member of any council, board, panel, committee or other similar body (whether incorporated or not) established by or under any law, or in the office of any Chief, Chieftom, Councillor or member of a Local Court.

(4) In this Constitution, unless a contrary intention appears —

(a) a reference to an appointment to any office shall be construed as including a reference to the appointment of a person to act in or perform the functions of that office;

(b) a reference to the holder of an office by a term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.

(5) Where by this Constitution power is vested in any person or authority, to appoint any person to act in or perform the functions of any office if the holder thereof is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

(6) For the purposes of this Constitution a person shall not be regarded as holding an office of emolument under the Government by reason only that he is in receipt of a pension or other like benefit in respect of service in an office under the Government.

(7) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in exercising any functions under this Constitution shall be construed as precluding a Court from exercising jurisdiction in relation to any question whether the person or authority has performed those functions in accordance with this Constitution or any other law.

(8) Any person or authority who under this Constitution is given the power to make an appointment shall also have the power to remove, suspend, dismiss, re-appoint or reinstate any person appointed in exercise of the power in question unless such power is expressly or by necessary implication conferred upon some other person or authority by this Constitution.

(9) Where any conflict arises between the provisions of this Constitution and the provisions of any other enactment the provisions of this Constitution shall prevail.

(10) The Interpretation Act, 1971, shall apply to the interpretation of this Constitution.

94. (1) The Sierra Leone Independence Act, 1961, is hereby repealed in so far as it affects the law of Sierra Leone.

(2) The Sierra Leone (Constitution) Order in Council 1961, is hereby revoked:

Provided that notwithstanding such revocation all enactments made by virtue of any authority therein contained shall remain in full force and effect to the same extent as if the aforesaid Order in Council had not been revoked.

95. (1) The existing law and enactments shall notwithstanding the revocation of the Sierra Leone (Constitution) Order in Council, 1961 have effect after the entry into force of this Constitution as if they had been made, in pursuance of this Constitution and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.

(2) Where any office was established for Sierra Leone before the entry into force of this Constitution and this Constitution established the same or an equivalent office, not being the office of President, Prime Minister, Minister, Attorney General, member of the Cabinet or Deputy Minister, any person who, immediately before the entry into force of this Constitution is holding or acting in the former office shall, so far as is consistent with the provisions of this Constitution, be deemed as from the entry into force of this Constitution to have been appointed to or to act in the latter office on the existing terms so far as they are not inconsistent with the provisions of this Constitution and to have taken the necessary oath under this Constitution:

Provided that any person who under any existing enactment would have been required to vacate his office at the expiration of any period or the attainment of any age shall vacate his office on the expiration of that period or upon his attainment of that age.

(3) The persons who immediately before the entry into force of this Constitution were Judges of the Court of Appeal established under section 79 of the existing Constitution or Puisne Judges of the Supreme Court established under section 75 of the existing Constitution shall be deemed to have been appointed respectively Justices of the Court of Appeal and Judges of the High Court established by this Constitution.

(4) The person who immediately before the entry into force of this Constitution held the office of Chief Justice of the Supreme Court established under section 75 of the existing Constitution shall be deemed to have been appointed a Judge of the Supreme Court.

(5) The existing House of Representatives shall be deemed to be the Parliament established by this Constitution and the existing members hereof shall be deemed to have been elected in accordance with the provisions of this Constitution.

(6) The existing Standing Orders of Parliament shall have effect after the entry into force of this Constitution as if they had been made in pursuance of this Constitution.

(7) Any proceedings pending immediately before the entry into force of this Constitution before the existing Supreme Court or any proceedings on appeal from that Court so pending before the existing Court of Appeal, or any proceedings on appeal from that Court of Appeal so pending before the Privy Council of the United Kingdom may be continued after the entry into force of this Constitution before the High Court, or the Court of Appeal established by this Constitution or the said Privy Council as the case may be:

Provided that no fresh appeals shall lie to the said Privy Council.

96. The provisions of the Constitution (Consequential Provisions) Act, 1971, and of any Act relating to Citizenship shall not be amended, repealed, re-enacted or replaced unless the Bill incorporating such amendment, repeal, re-enactment or replacement is supported at the final vote thereupon by the votes of not less than two thirds of all the members of Parliament.

#### SCHEDULES-OATHS OF OFFICE

(not reproduced)

#### BIBLIOGRAPHY

- Fyfe, Christopher H. *A History of Sierra Leone*. London: Oxford University Press, 1961.  
Kilson, Martin. *Political Change in a West African State*. Cambridge: Harvard University Press, 1966.  
Kup, A. P. *The Story of Sierra Leone*. London: Cambridge University Press, 1964.  
West, Richard. *Back to Africa: A History of Sierra Leone and Liberia*. London: Cape, 1970, New York: Holt, 1971.

# SOMALI DEMOCRATIC REPUBLIC

## NOTE

The Somali Democratic Republic is a member of the United Nations<sup>1</sup> (September 20, 1960). It is a member of the Organization for African Unity and of other international organizations.

Somalia became independent on July 1, 1960. It is made up of the former British protectorate of Somaliland and of the Italian Somaliland colony.

<sup>1</sup> It accepts the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute.