

ACT

THE PARLIAMENTARY SERVICE ACT, 2007

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SIGNED this day of , 2007

ALHAJI AHMAD TEJAN KABBAH,
President.



No.



2007

Sierra Leone

The Parliamentary Service Act, 2007

Short title.

**Being an Act to provide for the administration of Parliament
and for other related matters.**

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this
present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

1. In this Act unless the context otherwise requires—

Act No.6 of 1991. “Clerk of Parliament” means the Clerk of Parliament appointed under section 82 of the Constitution of Sierra Leone, 1991;

“Commission” means the Parliamentary Service Commission established by section 4;

“financial year” means a period of one year ending on the 31st day of December;

“Majority Party” means the political party having the largest number of elected persons in Parliament;

“Minority Party” means the political party having the second largest number of elected members in Parliament;

Act No.6 of 1991. “Speaker” means the Speaker of Parliament elected under section 79 of the Constitution of Sierra Leone, 1991;

PART II—ESTABLISHMENT OF PARLIAMENTARY SERVICE

Establishment of Parliamentary Service.

2. (1) There is hereby established the Parliamentary Service which shall consist of the Clerk of Parliament and such other persons appointed under paragraph (a) of subsection (2) of section 5.

(2) The office of the Clerk of Parliament or of any other member of the Parliamentary Service shall be a public office but shall not form part of the public service.

Functions of Parliamentary Service.

3. It shall be the function of the Parliamentary Service to provide Parliament with technical and administrative support and advisory services to enable Parliament to effectively and efficiently execute its constitutional and other functions.

4. (1) There is hereby established a Commission to be known as the Parliamentary Service Commission. Parliamentary Service Commission.

(2) The Commission shall consist of—

(a) the Speaker, who shall be the Chairman;

(b) the Deputy Speaker;

(c) the Leader of the Majority Party in Parliament;

(d) the Leader of the Minority Party in Parliament;

(e) a representative of members of Parliament who have been elected as independent candidates;

(f) a representative of the Paramount Chiefs in Parliament; and

(g) five other elected members of Parliament nominated by members of Parliament, reflecting as nearly as possible the numerical strength of the political parties in Parliament and gender balance;

(h) Majority and Minority whips.

(3) The Clerk of Parliament shall be secretary to the Commission.

(4) The Chairman and other members of the Commission shall hold office for the duration of the Parliament in which they are elected.

(5) A member of the Commission referred to in paragraph (e), (f) or (g) of subsection (2)—

(a) may resign his office by written notice to the Chairman of the Commission;

- (b) shall, subject to the approval of two-thirds majority of members of Parliament, be removed 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 misconduct;
- (c) shall cease to hold office on vacating his seat in accordance with section 77 of the Constitution of Sierra Leone, 1991.

Act No. 6 of 1991.

- (6) The Chairman of the Commission shall cease to hold office when he vacates his office in accordance with subsection (4) of section 79 of the Constitution of Sierra Leone, 1991.

Act No. 6 of 1991.

Functions of Commission.

5. (1) The Commission shall have control and supervision of the Parliamentary Service.

(2) Without prejudice to the generality of subsection (1), the Commission shall—

- (a) appoint persons, other than the Clerk of Parliament, to hold or act in office as members of the Parliamentary Service and exercise disciplinary control over such persons, including suspending or removing any of them;
- (b) determine the conditions of service including the grading, promotion and training of the members of the Parliamentary Service;
- (c) determine and formulate the policy of the Parliamentary Service and in particular the administrative, human resource and operational procedures of the Service;
- (d) cause to be prepared each financial year estimates of revenues and expenditure for Parliament and the Parliamentary Service for the next financial year including expenditure on foreign and local travels and purchases necessary for the various departments of the Parliamentary Service;

- (e) ensure the provision of such services and facilities as are necessary for the proper functioning of Parliament and the Parliamentary Service;
- (f) make recommendations to the States Salaries Committee established by the State Salaries, Pensions and Gratuities Act, 2003, regarding the salaries, allowances, pensions and gratuities of Members of Parliament;
- (g) generally do such other things as may be necessary for the smooth operation of the Parliamentary Service.

Act No. 4 of 2003.

6. The Chairman and other members of the Commission shall be paid such allowance as may be determined by Parliament and shall be reimbursed by the Parliamentary Service for reasonable expenses incurred in connection with the discharge of their functions.

Allowance of members of Commission.

7. (1) The Commission shall meet for the dispatch of business at such time and place as the Chairman may determine.

Meetings of Commission.

(2) The Chairman shall preside at every meeting of the Commission at which he is present and in his absence the Deputy Speaker shall preside.

(3) A majority of the members of the Commission may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Commission for such purposes as shall be stated in the notice.

(4) The Chairman or in his absence the Deputy Speaker shall summon a special meeting within five days of receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Commission shall be five.

(6) Any question which falls to be determined by the Commission at any of its meetings shall be decided by a majority of the votes of the members present and voting and in case of equality of votes, the Chairman or other person presiding shall have a casting vote.

(7) The Commission may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for decision by the Commission.

(8) Subject to this Act, the Commission shall regulate the procedures at its meetings.

Committees
of
Commission.

8. (1) The Commission may, for the discharge of its functions, appoint one or more committees to perform such functions as the Commission may determine.

(2) A committee shall consist of members of the Commission or non-members or both as the Commission may determine.

(3) A committee shall submit a report of its proceedings to the Commission at such time as the Commission may determine.

PART III—ORGANISATION OF PARLIAMENTRY SERVICE

Clerk of Par-
liament to be
head of Par-
liamentary
Service.

9. The Clerk of Parliament shall be the head of the Parliamentary Service and shall be responsible to the Commission for—

- (a) the day-to-day administration and management of the affairs of Parliament and the Parliamentary Service;

(b) the control of the other staff of the Parliamentary Service;

(c) the management of the funds, property and business of the Parliamentary Service; and

(d) the performance of such other functions as Parliament or the Commission may determine.

10. The Clerk of Parliament shall be assisted in his functions by a Deputy Clerk of Parliament who shall act in his absence and who shall be appointed by the Commission under paragraph (a) of subsection (2) of subsection 5. Deputy Clerk of Parliament.

11. The Parliamentary Service shall have such members other than the Clerk of Parliament and Deputy Clerk of Parliament appointed by the Commission under paragraph (a) of subsection (2) of subsection 5 as may be required for the proper and efficient performance of the functions of the Parliamentary Service. Other staff of Parliamentary Service.

12. The Commission may appoint such consultants or advisers as it may think necessary for the efficient performance of the functions of the Parliamentary Service. Commission to appoint consultants etc.

13. (1) The Commission may establish such departments in the Parliamentary Service as it considers necessary or expedient for the efficient performance of the functions of the Service. Establishment of departments in Parliamentary Service.

(2) Without prejudice to subsection (1), the Commission shall establish the following departments:—

(a) Office of the Clerk of Parliament;

(b) Department of Committees;

- (c) Department of Official Reports;
- (d) Department of Library, Research and Documentation;
- (e) Department of Finance;
- (f) Department of Parliamentary Counsel;
- (g) Department of Public Relations; and
- (h) Department of Human Resource Development.

(3) A department shall be headed by a member of the Parliamentary Service designated as such by the Commission on the advice of the Clerk of Parliament.

PART IV—FINANCIAL PROVISIONS

Funds of
Parliamentary
Service.

14. The administrative and other expenses of the Commission and the Parliamentary Service shall be met from—

- (a) funds appropriated by Parliament for the purposes of the Commission and the Parliamentary Service and paid out of the Consolidated Fund; and
- (b) any donations, or grants from any person or organization.

Estimates to
be submitted
to President.

15. (1) The Commission shall submit the estimates prepared pursuant to section 5 to the President who may make any comments or recommendations on the estimates and thereafter transmit it to the Commission.

(2) The Commission shall consider any comments or recommendations made by the President and cause the estimates to be laid before Parliament.

(3) The Minister of Finance shall, in respect of each financial year, release to Parliament such monies as are required for the smooth functioning of Parliament and the Parliamentary Service.

16. (1) The Parliamentary Service shall keep proper books of accounts and other records in relation to its functions and finances in a form approved by the Auditor-General. Accounts and audit.

(2) The books of accounts of the Parliamentary Service shall, each year be audited by the Auditor-General or an auditor appointed by him, and a report of the audit shall be submitted to the Commission.

17. (1) The Clerk of Parliament shall, within three months after the end of each financial year, submit to the Commission an annual report of the activities, property and finances of the Parliamentary Service for that year. Annual report of Parliamentary Service.

(2) The report shall include a copy of the audited accounts of the Parliamentary Service together with the audit report on such accounts.

(3) A copy of the annual report approved by the Commission shall be laid before Parliament not later than four months after the end of the financial year to which it relates.

PART V—MISCELLANEOUS

18. A member of the Parliamentary Service—

Retirement of members of Parliamentary Service.

- (a) may retire voluntarily from the Service on or after attaining the age of fifty five; and
- (b) shall retire or vacate his office compulsorily at the age of sixty.

Creation and abolition etc of offices.

19. (1) The Commission may create, abolish or reclassify offices in the Parliamentary Service.

(2) Where an office is abolished or reclassified, the Commission may, where appropriate, redeploy the holder of the office or discontinue the service of the holder of the office and shall pay the officer such entitlements as are appropriate in relation to the officer.

Regulations.

20. The Commission may, by statutory instrument make rules and regulations to give effect to this Act.

Transfer of employees to Parliamentary Service.

21. (1) Any person employed in the public service and posted to Parliament shall, within six months after the commencement of this Act elect to remain in the public service or be a member of the Parliamentary Service.

(2) Where a person elects to be a member of the Parliamentary Service, he shall be deemed to have been appointed under section 5 and such appointment shall be without prejudice to any entitlement to pension, gratuity or other rights vested or accruing to him from his previous employment.

Passed in Parliament this day of , in the year of our Lord two thousand and seven.

A. A. KEMOKAI,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

A. A. KEMOKAI,
Clerk of Parliament.