



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
CHAPTER I - THE REPUBLIC OF SIERRA LEONE			Chapter One of the current Constitutions is about the declaration of the Republic of Sierra Leone, the Public Seal, the National Anthem and the National Flag. It makes no mention of the supremacy of the Constitution and the sovereignty of the people. To highlight these issues and to emphasize the important of the Constitution and the power of the people of Sierra Leone, Chapter One is to be amended by adding two new Sections:
Declaration of Republic	1	Sierra Leone is a Sovereign Republic, the boundaries of which are delimited in the First Schedule hereto.	The Constitution shall be the Supreme law of Sierra Leone, and



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Public seal.	2	The Public Seal of the Republic shall be such a device as Parliament shall prescribe.	Sovereignty belongs to the people of Sierra Leone from whom Government through this Constitution, derives all its power, authority and legitimacy.
National Anthem	3(1) A	The Flag of which the design is described in paragraph (b) hereof is hereby declared to be the National Flag of Sierra Leone.	
	B	The design of the Flag shall be from the top of the Flag to the bottom thereof, three horizontal stripes of green, white and blue.	
	C	The normal size of the Flag for official use shall be in the proportion of nine units across to six units down.	
	3.(2)	The National Anthem of the Republic shall be such as Parliament shall prescribe.	



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CHAPTER II – FUNDAMENTAL PRINCIPLES OF STATE POLICY			
Fundamental obligations of Government	4	All organs of Government and all authorities and persons exercising legislative, executive or judicial powers shall conform to, observe and apply the provisions of this Chapter.	
Government and the people.	5(1)	The Republic of Sierra Leone shall be a State based on the principles of Freedom, Democracy and Justice.	
	5(2)	It is accordingly declared that—	
	A	Sovereignty belongs to the people of Sierra Leone from whom Government through this Constitution derives all its powers, authority and legitimacy;	



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	B	The security, peace and welfare of the people of Sierra Leone shall be the primary purpose and responsibility of Government, and to this end it shall be the duty of the Armed Forces, the Police, Public Officers and all security agents to protect and safeguard the people of Sierra Leone; and	
	C	The participation of the people in the governance of the State shall be ensured in accordance with the provisions of this Constitution.	
<b>Political objectives.</b>	6(1)	The motto of the Republic of Sierra Leone shall be Unity, Freedom and Justice.	
	6.(2)	Accordingly, the State shall promote national integration and unity and discourage discrimination on the grounds of place of origin, circumstance of birth, sex, religion, status, ethnic or linguistic association or ties.	





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	6.(3)	For the purposes of promoting national integration and unity, the State shall—	
	a.	Provide adequate facilities for and encourage free mobility of people, goods and services throughout Sierra Leone; and	
	b.	Secure full rights of residence for every citizen in all parts of the State.	
	6.(4)	The State shall protect and defend the liberty of the individual, enforce the rule of law and ensure the efficient functioning of Government services.	
	6.(5)	The State shall take all steps to eradicate all corrupt practices and the abuse of power.	
<b>Economic objectives</b>	7.(1)	The State shall within the context of the ideals and objectives for which provisions are made in this Constitution—	



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	A	Harness all the natural resources of the nation to promote national prosperity and an efficient, dynamic and self-reliant economy;	
	B	Manage and control the national economy in such a manner as to secure the maximum welfare and freedom of every citizen on the basis of social justice and equality of opportunity;	
	D	Place proper and adequate emphasis on agriculture in all its aspects so as to ensure self-sufficiency in food production; and	
	E	Ensure that Government shall always give priority and encouragement to Sierra Leoneans to participate in all spheres of the economy in furtherance of these objectives.	
Social objectives.	8.(1)	The Social Order of the State shall be founded on the ideals of Freedom, Equality and Justice.	
	B	The State shall recognise, maintain and enhance the sanctity of the human person and human dignity; and	



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	C	The Government shall secure and maintain the independence, impartiality and integrity of courts of law and unfettered access thereto, and to this end shall ensure that the operation of the legal system promotes justice on the basis of equal opportunity, and that opportunities for securing justice are not denied any citizen by reason of economic or other disability.	



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	8(3)	The State shall direct its policy towards ensuring that—	<p>This Chapter is to be amended by the addition of items of state responsibility which were considered important both by the Commission and some of those who made representations on the amendment of some of the existing list. We, the Commission, after extensive discussions, decided that these principles should not be made justifiable. They are codes of conduct for the Executive, the Legislature, the Judiciary and the Public. The following amendments are recommended:</p>





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	Every citizen, without discrimination on any grounds whatsoever, shall have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment;	
	B	Conditions of service and work are fair, just and humane and that there are adequate facilities for leisure and for social, religious and cultural life;	
	C	The health, safety and welfare of all persons in employment are safeguarded and not endangered or abused, and in particular that special provisions be made for working women with children, having due regard to the resources of the State;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	There are adequate medical and health facilities for all persons, having due regard to the resources of the State;	Sections 8 (3) (d) of the 1991 Constitution reads: The State shall direct its policy towards ensuring that there are adequate medical and health facilities for all persons, having due regard to the resources of the State.
			<b>Proposed amendment:</b>
			By the deletion of the words "having due regard to the resources of the State"
	E	There is equal pay for equal work without discrimination on account of sex, and that adequate and satisfactory remuneration is paid to all persons in employment; and	
Educational objectives	9 (1)	The Government shall direct its policy towards ensuring that there are equal rights and adequate educational opportunities for all citizens at all levels by—	



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	B	Safeguarding the rights of vulnerable groups, such as children, women and the disabled in security educational facilities; and	
	c	Providing the necessary structures, finance and supportive facilities for education as and when practicable.	Section 9 (1) (c) of the 1991 Constitution reads: The Government shall direct its policy towards ensuring that there are equal rights and adequate education opportunities for all citizens at all levels by providing the necessary structures, finance and supportive facilities for education as and when practicable.
			<b>Proposed amendment:</b>
			By the deletion of the words "as and when practicable."
	9 (2)	The Government shall strive to eradicate illiteracy, and to this end, shall direct its educational policy towards achieving—	
	A	Free adult literacy programmes	



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	B	Free compulsory basic education at primary and junior secondary school levels; and	
	C	Free senior secondary education as and when practicable.	Section 9 (2) (c) of the 1991 Constitution reads: The Government shall strive to eradicate illiteracy, and to this end, shall direct its educational policy towards achieving free senior secondary education as and when practicable.
			<b>Proposed amendment:</b>
			by the deletion of the words “as and when practicable”.
	9 (3)	The Government shall promote the learning of indigenous languages and the study and application of modern science, foreign languages, technology, commerce and business.	
Foreign policy objectives.	10	The Foreign Policy Objectives of the State Shall be—	





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	A	The promotion and protection of the National interest;	
	B	The promotion of sub-regional, regional and inter-African co-operation and unity;	
	C	The promotion of international co-operation for the consolidation of international peace and security and mutual respect among all nations; and respect for their territorial integrity and independence; and	
	D	Respect for international law and treaty obligations, as well as the seeking of settlement of international disputes by negotiation, conciliation, arbitration or adjudication.	
Obligations of the mass media	11	The press, radio and television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Constitution and highlight the responsibility and accountability of the Government to the people.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Enhancement of national culture	12	The Government shall—	
	A	Promote Sierra Leonean culture such as music, art, dance, science, philosophy, education and traditional medicine which is compatible with national development;	Section 12 (a) of the 1991 Constitution reads: The Government shall promote Sierra Leonean culture such as music, art, dance, science, philosophy, education and traditional medicine which is compatible with national development;
			Proposed amendment:
			By the inclusion of “dress” as one of the Sierra Leonean cultures Government should promote.
	B	Recognize traditional Sierra Leonean institutions compatible with national development;	
	C	Protect and enhance the cultures of Sierra Leone; and	
	D	Facilitate the provision of funds for the development of culture in Sierra Leone.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Duties of the citizen.	13	Every citizen shall—	Section 13 (a) of the 1991 Constitution reads: Every citizen shall:
	A	Abide by this Constitution, respect its ideals and its institutions, the National Flag, the National Anthem and authorities and offices established or constituted under this Constitution or any other law;	Abide by the Constitution, respect its ideals and its institutions, the National Flag, the National Anthem and authorities and offices established or constituted under this Constitution or any other law;
	B	Cultivate a sense of nationalism and patriotism so that loyalty to the State shall override sectional, ethnic tribal or other loyalties;	Cultivate a sense of nationalism and patriotism so that loyalty to the State shall override sectional, ethnic tribal or other loyalties;
	C	Protect and preserve public property and prevent the misappropriation and squandering of funds belonging to the Government, local authorities or public corporations;	Protect and preserve public property and prevent the misappropriation and squandering of funds belonging to the Government, local authorities or public corporations;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	Help enhance the power, prestige and good name of the State and to defend the State and render national service as may be required;	Help enhance the power, prestige and good name of the State and to defend the State and render national service as may be required;
	E	Respect the dignity and religion of other individuals, and the rights and interests of others;	Respect the dignity and religion of other individuals, and the rights and interests of others;
	F	Make positive and useful contributions to the advancement, progress, and well-being of the community, wherever he resides;	Make positive and useful contributions to the advancement, progress, and well-being of the community, wherever he resides;
	G	Work conscientiously in a lawful and chosen occupation and abstain from any activity detrimental to the general welfare of others;	Work conscientiously in a lawful and chosen occupation and abstain from any activity detrimental to the general welfare of others;
	H	Ensure the proper control and upbringing of his children and wards;	Ensure the proper control and upbringing of his children and wards;
	I	Participate in and defend all democratic processes and practices; and	Participate in and defend all democratic processes and practices; and





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	J	Render assistance to appropriate and lawful agencies in the maintenance of law and order.	Render assistance to appropriate and lawful agencies in the maintenance of law and order.
			<b>Proposed amendment:</b>
			(13) (a) by the inclusion of the “National Pledge” and the “National currency” as those which every citizen should respect.
<b>Fundamental principles not justicable.</b>	14	Notwithstanding the provisions of Section 4, the provisions contained in this Chapter shall not confer legal rights and shall not be enforceable in any court of law, but the principles contained therein shall nevertheless be fundamental in the governance of the State, and it shall be the duty of Parliament to apply these principles in making laws.	Section 13: by the addition of paragraphs K and L which reads:
			13 (k) satisfy all tax obligations;
			13 (l) protect and safeguard the environment.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
CHAPTER III – THE RECOGNITION AND PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS OF THE INDIVIDUAL			Proposed CHAPTER as III – CITIZENSHIP – A NEW CHAPTER



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
			<p>There is no provision in the current Constitution for Citizenship of Sierra Leone and we decided that as in most Constitutions, our Constitution should give a clear and authoritative provision which would determine who the citizens of Sierra Leone are and how to acquire citizenship, without reference to racial or gender criteria. Since drafting this chapter, we have learnt that Parliament is planning to enact a new citizenship law, that will be free of racial or sex discrimination. We recommend that this chapter of the Constitution shall provide that no citizenship law shall contain any provision, requirement or condition which is discriminatory on grounds of race, colour or gender.</p>



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
Fundamental human rights and freedoms of the individual.	15	Whereas every person in Sierra Leone is entitled to the fundamental human rights and freedoms of the individual, that is to say, has the right, whatever his race, tribe, place of origin, political opinion, 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—	The heading of CHAPTER III Fundamental human rights and freedoms of the individual of the 1991 Constitution reads: THE RECOGNITION AND PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS OF THE INDIVIDUAL. The rationale is that all human rights are fundamental and in all international documents these rights are referred to simply as human rights.
			<b>Proposed amendment:</b>
			By the addition of the followin the right to passport; the right of protection of environment; the right to education and dignity.
	B	Freedom of conscience, of expression and of assembly and association;	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	Respect for private and family life, and	
	D	Protection from deprivation of property without compensation;	
		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.	
Protection of right to Life	16(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 under the laws of Sierra Leone, of which he has been convicted.	Section 16 (1) of the 1991 Constitution reads: (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 under the laws of Sierra Leone, of which he has been convicted.



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			<b>Proposed amendment:</b>
	(a)		Add the following new subsection 3:
	(b)		The death penalty should be abolished in all cases of treason or other crimes of a political nature which does not directly cause the death of another person(s), and replaced by life imprisonment.
	(c)		That Parliament shall review the death penalty every two (2) years with a view to its abolition.



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	16(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, that is to say—	
	A	For the defence of any person from unlawful violence or for the defence of property; or	
	B	In order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or	
	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	
	E	If he dies as a result of a lawful act of war.	



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Protection from arbitrary arrest or detention.	17(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 the 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 an 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 commission of inquiry as the case may be; or	
	D	In the execution of an Order of a court made in order to secure the fulfilment of any obligation imposed on him by law; or	





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	E	For the purpose of bringing him before a court or tribunal, as the case may be, 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	Section 17 (1) (g) of the 1991 Constitution reads: 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 in the case of a person who has not attained the age of twenty-one years, for the purpose of his education or welfare.
			<b>Proposed amendment:</b>



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			By the deletion of the word "twenty-one" to be replaced by the word "eighteen"
	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	
Protection of freedom of movement.	17(2)	Any person who—	
	A	Is arrested or detained shall be informed in writing or in a language that he understands at the time of his arrest, and in any event not later than twenty-four hours, of the facts and grounds for his arrest or detention;	



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	B	Is arrested or detained shall be informed immediately at the time of his arrest of his right of access to a legal practitioner or any person of his choice, and shall be permitted at his own expense to instruct without delay a legal practitioner of his own choice and to communicate with him confidentially.	Section 17 (2) (b) of the 1991 Constitution reads: Any person who is arrested or detained shall be informed immediately at the time of his arrest of his right of access to a legal practitioner or any person of his choice, and shall be permitted at his own expense to instruct without delay a legal practitioner of his own choice and to communicate with him confidentially.
			<b>Proposed amendment:</b>
			By the deletion of the words “at his own expense.”
			Section 17 (3) of the 1991 Constitution reads:



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	17(3)	Any person who is arrested or detained in such a case as is mentioned in paragraph (e) or (f) of subsection (1) and who is not released shall be brought before a court of law—	Any person who is arrested or detained in such a case as is mentioned in paragraph (e) or (f) of subsection (1) and who is not released shall be brought before a court of law:
	A	Within ten days from the date of arrest in cases of capital offences, offences carrying life imprisonment and economic and environmental offences; and	Within ten days from the date of arrest in cases of capital offences, offences carrying life imprisonment and economic and environmental offences; and
	B	Within seventy-two hours of his arrest in case of other offences;	Within seventy-two hours of his arrest in case of other offences;





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		<p>And if any person arrested or detained in such a case as is mentioned in the said paragraph (f) is not tried within the periods specified in paragraph (a) or (b) of this section, as the case may be, 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 proceedings preliminary to trial.</p>	
			<b>Proposed amendment:</b>
	(a)		By the deletion of “ten” to be replaced by seven (7)
	(b)		By the deletion of “seventy-two” to be replaced by forty-eight (48).



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	17(4)	Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.	Section 17 (4) of the 1991 Constitution reads: Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefore from that other person.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<p>Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person; in this subsection “the appropriate authority or person” means appropriate authority or person specified by law.</p>



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
Protection of freedom of movement.	18(1)	No person shall be deprived of his freedom of movement, and for the purpose 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 form Sierra Leone.	Section 18 (1) of the 1991 Constitution reads: no person shall be deprived of his freedom of movement, and for the purpose of this section the said freedom means the right to move freely throughout Sierra Leone, the right to enter or leave Sierra Leone, and immunity from expulsion from Sierra Leone.
			<b>Proposed amendment:</b>
			By the inclusion of the words “and every citizen has the right to a passport.”





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	18(2)	Any restriction on a person's freedom of movement which is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.	
	A	which is reasonably required in the interests of defence, public safety, public order, public morality, public health or the conservation of the natural resources, such as mineral, marine, forest and other 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 persons; or	
	C	For the imposition of restrictions on the acquisition or use by any person of land or other property in Sierra Leone; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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 recognised as such by the laws of Sierra Leone, or to serve a term of imprisonment outside Sierra Leone in the 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 seeking to evade the fulfilment of an obligation imposed on him under the civil law or to evade military service:	
		Provided that no court or other authority shall prohibit any such person from entering into or residing in any place to which he is indigenous; or	



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	G	For restricting vagrancy.	
	18(4)	If —	Section 18 subsections 4 (a) & (b) of the 1991 Constitution reads:



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	<p>Any person whose freedom of movement has been restricted by virtue only of such a provision as is referred to in paragraph (a) of subsection (3) so requests at any time during the period of that restriction not earlier than thirty days after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal, established by law, comprising not more than three persons from amongst persons of not less than fifteen years' standing entitled to practice in Sierra Leone as legal practitioners;</p>	<p>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 subsection (3) so requests at any time during the period of that restriction not earlier than thirty days after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal, established by law, comprising not more than three persons from amongst persons of not less than fifteen years' standing entitled to practice in Sierra Leone as legal practitioners;</p>





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	B	Any tribunal has been set up under paragraph (a), the Chairman of that tribunal shall be appointed by the Chief Justice, and the two other members of the tribunal shall be nominated by the Sierra Leone Bar Association.	Any tribunal has been set up under paragraph (a), the Chairman of that tribunal shall be appointed by the Chief Justice, and the two other members of the tribunal shall be nominated by the Sierra Leone Bar Association.
			Proposed amendment:
	(a)		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 subsection (3) so requests at any time during the period of that restriction not earlier than thirty (30) days after he last made such a request to the Human Rights Commission, who shall set up an independent and impartial tribunal.



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	(b)		<p>If any tribunal has been set up under paragraph (a), the Chairman of that tribunal shall be appointed by the Human Rights Commission and the two other members, one of whom shall be appointed by the Sierra Leone Bar Association and the other, who shall be a non-Lawyer, shall be appointed by the Human Rights Commission.</p>



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	18(5)	On any review by a tribunal in pursuance of subsection (4) of the case of any person whose freedom of movement has been restricted, the tribunal may make recommendations concerning the necessity of 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.	Section 18 subsection (5) of the 1991 Constitution reads: On any review by a tribunal in pursuance of subsection (4) of the case of any person whose freedom of movement has been restricted, the tribunal may make recommendations concerning the necessity of 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.
			<b>Proposed amendment:</b> By the deletion of the word "not".



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Protection from slavery and forced Labour	19(1)	No person shall be held in slavery or servitude or be required to perform forced labour or traffic or deal in human beings.	
	19(2)	For the purposes of this section the expression "forced labour" does not include—	
	A	Any labour required in consequence of a sentence or order of a court; or	
	B	Labour 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 interest of hygiene or for the maintenance of the place in which he is detained; or	





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	C	Any labour 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 labour which that person is required by law to perform in place of such service; or	
	D	Any labour required during a period of public emergency or calamity which threatens the life of well-being of the community; or	
	E	Communal labour or labour which forms part of other civic obligation.	
Protection from inhuman Treatment	20(1)	No person shall be subject to any form of torture or any punishment or other treatment which is inhuman or degrading.	



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	20(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 authorises the infliction of any kind of punishment which was lawful immediately before the entry into force of this Constitution.	
	21(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, the development or utilization of any property in such a manner as to promote the public benefit or the public welfare of citizens of Sierra Leone; and	



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	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—	Section 21 (1) (c) of the 1991 Constitution reads: 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 provision is made by law applicable to that taking of possession or acquisition:
	(i)	For the prompt payment of adequate compensation; and	For the prompt payment of adequate compensation; and



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	(ii)	Securing to any person having an interest in or right over the property, a right of access to the 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.	Securing to any person having an interest in or right over the property, a right of access to the court or other impartial and independent authority for the determination of his interest or right, the legality of the taking of possession or right,
			<b>Proposed amendment:</b>





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			By the addition of:(iii) provided that after the passing of this revised Constitution into law – Parliament shall legislate for the establishment of a Lands Compensation Tribunal charged with the responsibility of adjudicating and determining adequate compensation to persons whose property has been compulsorily acquired by the Government.
	21(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	



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	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; bona vacantia, property of prohibited aliens, or the property of persons adjudged or otherwise declared bankrupt or insolvent, persons of unsound mind, deceased persons, or bodies corporate or incorporate in the course of being wound up;	
	E	In the execution of judgements or orders of courts;	
	F	By reason of such property being in a dangerous state or liable to cause injuries to the health of human beings, animals or plants;	
	G	In consequence of any law with respect to the limitation of actions;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	H	For so long only as such taking 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 or lawful excuse refused or failed to carry out.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	21(3)	<p>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 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 moneys have been invested other than moneys proved by Parliament or by the Legislature of the former Colony and Protectorate of Sierra Leone.</p>	





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	21(5)	<p>Where any such property as is referred to in subsection (4) is not used in the public interest or for the public purposes for which it was taken or acquired, the person who was the owner immediately before the compulsory taking or acquisition, as the case may be, shall be given the first option of acquiring that property, in which event he shall be required to refund the whole or such part of the compensation as may be agreed upon between the parties thereto; and in the absence of any such agreement such amount as shall be determined by the High Court.</p>	<p>Section 21 (5) of the 1991 Constitution reads: Where any such property as is referred to in subsection (4) is not used in the public interest or for the public purposes for which it was taken or acquired, the person who was the owner immediately before the compulsory taking or acquisition, as the case may be, shall be given the first option of acquiring that property, in which event he shall be required to refund the whole or such part of the compensation as may be agreed upon between the parties thereto; and in the absence of any such agreement such amount as shall be determined by the High Court.</p>
			Proposed amendment:



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			By the deletion of the words “the High Court” to be replaced by the words “the Lands
Protection for privacy of Home and other Property	22(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, telephone conversations and telegraphic and electronic communications.	
	22(2)	Nothing contained in or done under 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	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	B	To enable any body corporate established directly by any law or any department of the Government or any local 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 and freedoms of other persons; or	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	D	For the purpose of executing any judgement or order of a court or	Section 22 (2) (d) of the 1991 Constitution reads: Nothing contained in or done under 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 for the purpose of executing any judgement or order of a court.
			<b>Proposed amendment:</b>
			By the inclusion of the words "search warrants"





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	E	For the purpose of affording such special care and assistance as are necessary for the health, safety, development and well-being of women, children and young persons, the aged and the handicapped; and except in so far as that provision or, as the case may be, the thing done under authority thereof is shown not to be reasonably justifiable in a democratic society.	
			Proposed new provision: Everyone has the right: through reasonable legislative and other measures that:-
	(a)		To an environment that is not harmful to his health or well-being; and
	(b)		To have the environment protected, for the benefit and future generations



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(i)		Prevent pollution and ecological degradation;
	(ii)		Promote conservation; and
	(iii)		Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.
Provision to secure protection of law.	23(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.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	23(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 determination are instituted by or against any person or authority or the Government before such court or authority, the case shall be given fair hearing within a reasonable time.	
			<b>Proposed amendment:</b>
			By the deletion of “twenty-one” to be replaced by “eighteen”.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	23(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.	
	23(5)	Every person who is charged with a criminal offence—	
	A	Shall be informed at the time he is charged in the 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;	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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 to 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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	23(6)	When a person is tried for any criminal offence, the accused person or any person authorised 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, and in any event not more than three months after trial, a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.	
	23(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.	
	23(8)	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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	23(9)	<p>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 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:</p> <p>Provided that nothing in any law shall be held to be inconsistent with or in contravention of this subsection by reason only that it authorises any court to try a member of a defence force for a criminal offence notwithstanding 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.</p>	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	23(10)	Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of any provisions of this section, other than subsections (7) and (8), 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 before or during that period of public emergency.	Section 23 (10) off the 1991 Constitution reads: Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of any provisions of this section, other than subsections (7) and (8), 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 before or during that period of public emergency.
			Proposed amendment:
			Repeal this section; it is too wide and unnecessary.





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	23(11)	In paragraphs (c) and (d) of subsection (5), the expression "legal practitioner" means a person entitled to practise as a Barrister and Solicitor of the High Court.	
Protection of Freedom of Conscience	24(1)	Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience and for the purpose 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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	24(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.	
	24(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.	
	24(4)	No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	24(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 a provision which is reasonably required—	
	A	In the interest 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 practice 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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Protection of Freedom of Expression and the Press.	25(1)	<p>Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purpose of this section the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference, freedom from interference with his correspondence, freedom to own, establish and operate any medium for the dissemination of information, ideas and opinions, and academic freedom in institutions of learning:</p> <p>Provided that no person other than the Government or any person or body authorised by the President shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever.</p>	<p>Section 25 (1) of the 1991 Constitution reads: Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purpose of this section the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference, from interference with his correspondence, freedom to own, establish and operate any medium for the dissemination of information, ideas and opinions, and academic freedom in institutions of learning provided that no person other than the Government or any person or body authorised by the President shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever.</p>





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	25(2)	Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in the contravention of this section to the extent that the law in question makes provision—	
	A	Which is reasonably required—	
	(i)	In the interests of defense, public safety, public order, public morality or public health; or	Section 25 subsections 2 (a) (i) of the 1991 Constitution reads: 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 reasonably required in the interests of defence, public safety, public order, public morality or public health;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(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 the telephony, telegraphy, telecommunications, posts, wireless broadcasting, television, public exhibitions or public entertainment; or	
			<b>Proposed amendment:</b>
			By the inclusion of the words "in the detection and/or prevention of crimes."



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			Further amendments were made by adding two new subsections to Sections 25 which shall now become subsections (2) and (3) and the existing provisos now become  Section 25 (4) (a) (i), 25 (4) (a) (ii) and Section 25 (4) (b).
	25(2)		Everyone has the right to access to
	(a)		Any information held by the State
	(b)		Any information that is held by another person and that is required for the exercise or protection of any rights;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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.	National legislation must be enacted to give effect to his right, with the necessary safeguards and may provide for reasonable measures to alleviate the administrative and financial burden on the State.
Protection of freedom of assembly and association.	26 (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 any political party, trade unions or other economic, social or professional associations, national or international, for the protection of his interests.	New Section 26
	26 (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—	





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	A	Which is reasonably required—	Every Trade Union, employers' organisations and employers has the right to engage in collective bargaining. National legislation may be enacted to regulate collective bargaining.
	i	In the interests of defence, public safety, public order, public morality, public health, or provision for the maintenance of supplies and services essential to the life of the community; or	
	ii	For the purpose of protecting the rights and freedoms of other persons; or	
	B	Which imposes restrictions upon public officers and upon members of a defence force; or	National Legislation may recognize union security of tenure contained in collective agreements.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	C	Which imposes restrictions on the establishment of political parties, or regulates the organisation, registration, and functioning of political parties and the conduct of its members; 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.	
<b>Protection From Discrimination.</b>	27(1)	Subject to the provisions of subsection (4), (5), and (7), no law shall make provision which is discriminatory either of itself or in its effect.	Section 27 of the 1991 Constitution reads: Subject to the provisions of subsections (4), (5) and (7), no law shall make any provision which is discriminatory either of itself or in its effect.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	27(2)	Subject to the provisions of subsections (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 public office or any public authority	Subject to the provisions of subsections (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 public office or any public authority.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	27(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, sex, 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.	In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, 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 to another such description.
	27(4)	Subsection (1) shall not apply to any law so far as that law makes provision—	Subsection (1) shall not apply to any law so far as that law makes provision-





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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	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	With respect to persons who are not citizens of Sierra Leone; or
	C	With respect to persons who acquire citizenship of Sierra Leone by registration or by naturalization, or by resolution of Parliament; or	With respect to persons who acquire citizenship of Sierra Leone by registration or by naturalisation, or by resolution of parliament; or
	D	With respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law; or	With respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law; or
	E	For the application in the case of members of a particular race or tribe or 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	For the application in the case of members of a particular race or tribe or customary law with respect to that matter which is applicable in the case of other persons; or



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	F	For authorising 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	For authorising 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
	G	Whereby persons of any such description as 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	Whereby persons of any such description as 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
	H	For the limitation of citizenship or relating to national registration or to the collection of demographic statistics.	For the limitation of citizenship or relating to national registration or to the collection of demographic statistics.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	27(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 or of membership of Parliament.	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 of 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 or of membership of Parliament.
	27(6)	Subsection (2) shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provisions of law as is referred to in subsection (4) or (5).	Subsection (2) shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provisions of law as is referred to in subsection (4) or (5).





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	27(7)	<p>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 of the rights and freedoms guaranteed by sections 18, 22, 24, 25 and 26 being such a restriction as is authorised by subsection (3) of section 18, subsection (2) of section 22, subsection (5) of section 24, subsection (2) of section 25 or subsection (2) of section 26, as the case may be.</p>	<p>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 of the rights and freedoms guaranteed by Sections 18, 22, 24, 25 and 26 being such a restriction as is authorised by subsection (3) of Section 18, subsection (2) of Section 22, subsection (5) of Section 24, subsection (2) of Section 25 or subsection (2) of Section 26, 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 an Court on the grounds that it contravenes the provision of subsection (2).</p>





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			Section 27 (1) is to be repealed and replaced by the following: Subject to the provisions of subsections 4, 6 & 7, no law shall make any provision which limits or derogates from any of the human rights provision in chapter three (III) or discriminates against any person in the use and enjoyment of those rights.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			Sections 27 (2) Subject to the provisions of subsections 4,6 & 7, 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 authority in the public or private sector. Section 27 (3)
	(a)		A person discriminates against another in any circumstances relevant for the purposes of the rights recognized and protected in Chapter 4 if on grounds of race, tribe, sex, religion, place of birth, opinion, colour and disability he treats him less favourably than he treats or would treat another;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(b)		As soon as practicable after this Constitution comes into effect, Parliament shall enact legislation to eliminate discrimination and promote equality of opportunity in employment, education, housing and social services;
			Section 27 (4) Subsections 1 & 2 shall not apply to any law so far as that law makes provisions
	(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



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(b)		With respect to persons who are not citizens of Sierra Leone; or
	(c)		Whereby persons of any such description as 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
	(d)		For the limitation of citizenship or relating to national registration or to the collection of demographic statistics; or





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(e)		With respect to members' only social organizations; or
	(f)		For the taking by the Government of affirmative action to remedy or ameliorate the effects of past discrimination against any of the groups listed in Section 27 (3);
			Section 27 (5)



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(a)		<p>Anyone of the following persons has a right to complain that his right under Chapter 3 of this Constitution has been, is being or is about to be violated:</p> <ul style="list-style-type: none"> <li>anyone acting in his own interest;</li> <li>anyone acting on behalf of another person who cannot act in his own name; anyone acting as a member of, or in the interest of, a group or class or persons;</li> <li>anyone acting in the public interest; and an association acting in the interest of its members.</li> </ul>



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	(b)		<p>Subject to the provisions of subsections (4), (6) &amp; (7),. If any person alleges that any of the provisions of Sections 16 to 27 (inclusive) has been, is being or is likely to be contravened in relation to him by any person (or, in the case of a person who is detained if any person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person, (or that other person), may apply to the Human Rights Commission for redress.</p> <p>Provided that any aggrieved party may appeal to the Court of Appeal and ultimately to the Supreme Court from the decision of the Human Rights Commission.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	27(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 provision of subsection (2).	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Enforcement of Protective Provisions.	28(1)	Subject to the provisions of subsection (4), if any person alleges that any of the provisions of sections 16 to 27 (inclusive) has been, is being or is likely to be contravened in relation to him by any person (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person, (or that other person), may apply by motion to the Supreme Court for redress.	Section 28 of the 1991 Constitution reads: Subject to the provisions of subsection (4), if any person alleges that any of the provisions of Section 16-27 (inclusive) has been, is being or is likely to be contravened in relation to him by any person (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person, (or that other person), may apply by motion to the Supreme Court for redress.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	28(2)	The Supreme Court shall have original jurisdiction—	The Supreme Court shall have original jurisdiction-
	A	To hear and determine any application made by any person in pursuance of subsection (1); and	To hear and determine any application made by any person in pursuance of subsection (1); and
	28(3)	If in any proceedings in any court other than the Supreme Court, any question arises as to the contravention of any of the provisions of sections 16 to 27 inclusive, that court may, and shall if any party to the proceedings so requests, refer the question to the Supreme Court.	If in any proceedings in any court other than the Supreme Court, any question arises as to the contravention of any of the provisions of Sections 16 – 27 inclusive, that court may, and shall if any party to the proceedings so requests refer the question to the Supreme Court.
	(3) (a)		The Rules of Court Committee may make rules with respect to the practice and procedure of the Supreme Court for the purpose of this section;



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	(3)(b)		Parliament may confer upon the Supreme Court such powers in addition to those conferred by this section as may appear to Parliament to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section.
	28(4) A	The Rules of Court Committee may make rules with respect to the practice and procedure of the Supreme Court for the purposes of this section;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	Parliament may confer upon the Supreme Court such powers in addition to those conferred by this section as may appear to Parliament to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section.	
	28(5)	Parliament shall make provision—	Parliament shall make provision –
	A	For the rendering of financial assistance to any indigent citizen of Sierra Leone where his right under this Chapter has been infringed, or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim; and	For the rendering of financial assistance to any indigent citizen of Sierra Leone where his right under this Chapter has been infringed, or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim, and
	28(6)	The Supreme Court—	The Supreme Court –





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	A	Consisting of not less than five Justices of the Supreme Court shall consider every question referred to it under this Chapter for a decision, and, having heard arguments by or on behalf of the parties by Counsel, shall pronounce its decision on such question in open court as soon as may be and in any case not later than thirty days after the date of such reference;	Consisting of not less than five Justices of the Supreme Court shall consider every question referred to it under this Chapter for a decision, and, having heard arguments by or on behalf of the parties by Counsel, shall pronounce its decision on such question in open court as soon as may be and in any case not later than thirty days after the date of such reference;
	B	Shall for the purposes of this Chapter, give its decision by a majority of the Justices of that Court and such decision shall be pronounced by the Chief Justice or any other of the Justices as the Court shall direct.	Shall for the purposes of this Chapter, give its decision by a majority of the Justices of that Court and such decision shall be pronounced by the Chief Justice or any other of the Justices as the Court shall direct.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			Section 28 was re-arranged and now reads as follows:
	1.		If in any proceedings in any court other than the Supreme Court, any question arises as to the contravention of any of the provisions of Sections 16
	(a)		The Rules of Court Committee may make rules with respect to the practice and procedure of the Supreme Court for the purposes of this section;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(b)		Parliament may confer upon the Supreme Court such powers in addition to those conferred by this section as may appear to Parliament to be necessary and desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section.
	2		Parliament shall make provisions –
	(a)		For the rendering of financial assistance to an indigent citizen of Sierra Leone where his right under this Chapter has been infringed, or with a view to enabling him to engage the services of a legal practitioner to prosecute his claims;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(b)		For ensuring that allegation of infringements of such rights are substantial and the requirement or need for financial or legal aid is real.
	3		The Supreme Court –
	(a)		Consisting of not less than five Justices of the Supreme Court shall consider every question referred to it under this Chapter for decisions, and, having heard arguments by or on behalf of the parties by Counsel, shall pronounce its decision on such question in open court as soon as may be and in any case not later than thirty days after the date of such reference.





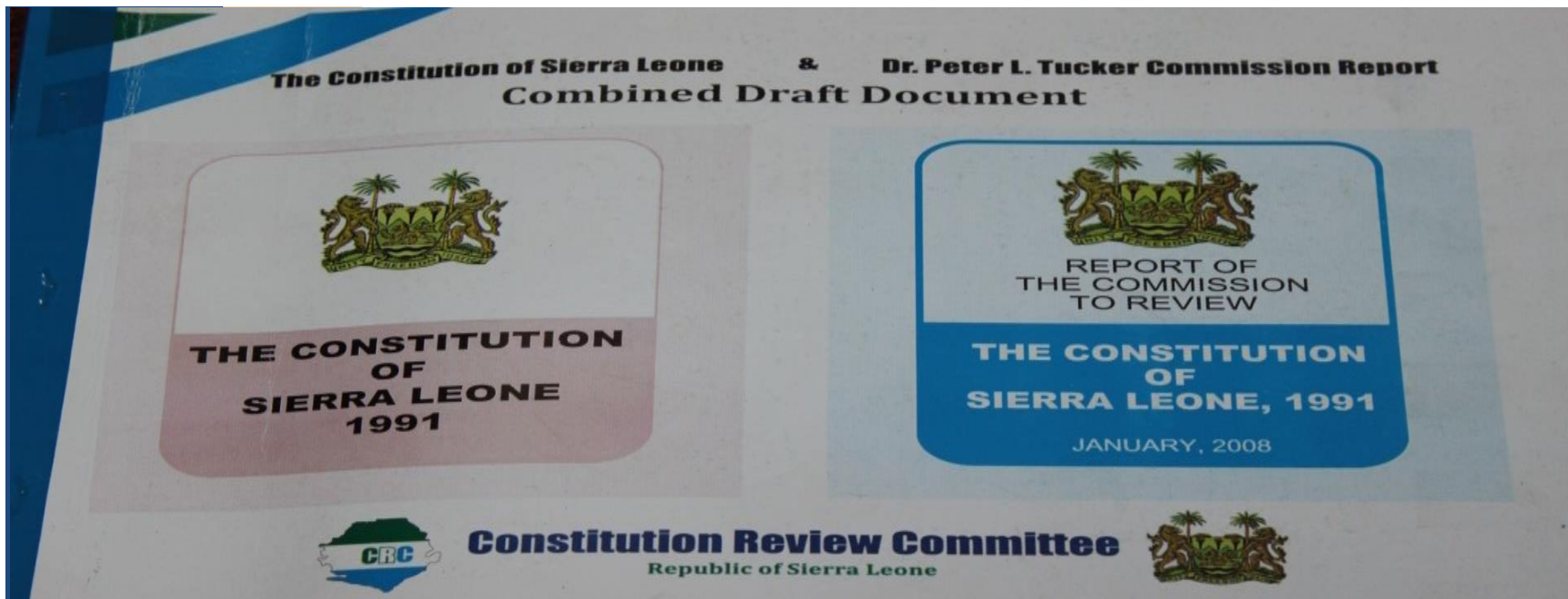
Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Public Emergency	29(1)	Whenever in the opinion of the President a state of public emergency is imminent or has commenced, the President may, at any time, by Proclamation which shall be published in the Gazette, declare that—	Section 29 of the current Constitution should be amended by the addition of a new subsection 6 (k) as follows: Where a state of emergency exists, the President will not derogate from the recognized international requirements pertaining to certain human rights which have been identified in Article 4 (2) of the United Nations International Covenant on Civil and Political Rights as non derogate under any circumstances, such as the right to life, the prohibition of torture, the principles of legality in the field of criminal law, and the freedom of thought, conscience and religion.
	A	A state of public emergency exists either in any part, or in the whole of Sierra Leone; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	A situation exists which, if it is allowed to continue, may lead to a state of public emergency in any part of or the whole of Sierra Leone.	
	29(2)	The President may issue a Proclamation of a state of public emergency only when—	
	A	Sierra Leone is at war;	
	B	Sierra Leone is in imminent danger of invasion or involvement in a state of war; or	
	C	There is actual breakdown of public order and public safety in the whole of Sierra Leone or any part thereof to such an extent as to require extraordinary measures to restore peace and security; or	
	D	There is a clear and present danger of an actual breakdown of public order and public safety in the whole of Sierra Leone or any part thereof requiring extraordinary measures to avert the same; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	E	There is an occurrence of imminent danger, or the occurrence of any disaster or natural calamity affecting the community or a section of the community in Sierra Leone; or	
	F	There is any other public danger which clearly constitutes a threat to the existence of Sierra Leone.	
	29(3)	Every declaration made under subsection (1) shall lapse—	
	A	In the case of a declaration made when Parliament is sitting at the expiration of a period of seven days beginning with the date of publication of the declaration; and	
	B	In any other case, at the expiration of a period of twenty-one days beginning with the date of the declaration, unless it has in the meantime been approved by or superseded by a Resolution of Parliament supported by the votes of two-thirds of the Members of Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	29(4)	A declaration made under subsection (1) may at any time before being superseded by a Resolution of Parliament be revoked by the President by Proclamation which shall be published in the Gazette, and all measures taken thereunder shall be deemed valid and lawful and shall not be enquired into by any court or tribunal.	
	29(5)	During a period of public emergency, the President may make such regulations and take such measures as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, order and good government in Sierra Leone or any part thereof.	
	29(6)	Without derogating from the generality of the powers conferred by subsection (5) and notwithstanding the provisions of this Chapter, the regulations or measures may, so far as appears to the President to be necessary or expedient for any of the purposes mentioned in that subsection—	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	Make provision for the detention of persons, the restriction of the movement of persons within defined localities, and the deportation and exclusion of persons other than citizens of Sierra Leone from Sierra Leone or any part thereof;	
	B	Authorise—	
	i	The taking of possession or control on behalf of the Government of any property or undertaking;	
	ii	The acquisition on behalf of the Government of any property other than land;	
	C	Authorise the entering and search of any premises;	
	D	Amend any law, suspend the operation of any law, and apply any law with or without modification: Provided that such amendment, suspension or modification shall not apply to this Constitution:	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	E	Provide for charging, in respect of the grant of issue of any license, permit, certificate or other document for the purpose of the regulations, such fees as may be prescribed by or under the regulations;	
	G	Provide for the apprehension, trial and punishment of persons offending against the regulations;	
	H	Provide for maintaining such supplies and services as are, in the opinion of the President, essential to the life and well-being of the community: Provided that nothing in this subsection shall authorise the making of regulations during a period of public emergency for the trial of persons who are not members of defence forces by military courts.	
	29(7)	The payment of any compensation or remuneration under the provisions of such regulations shall be a charge upon the Consolidated Fund.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	29(8)	Regulations made under this section shall apply to the whole of Sierra Leone or to such parts thereof as may be specified in the regulations.	
	29(9)	Regulations made under this section may provide for empowering such authorities or persons as may be specified in the regulations to make Orders and Rules for any of the purposes for which the regulations are authorised by this Constitution to be necessary or expedient for the purposes of the regulations.	
	29(10) A	Every regulation or measure taken under this section and every order or rule made in pursuance of such a regulation shall, without prejudice to the validity of anything lawfully done thereunder, cease to have effect	
	B	Any such regulation, order or rule may, without prejudice to the validity of anything lawfully done thereunder at any time be amended or revoked by the President.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	29(11)	Subject to the provisions of subsections (7) and (8) of section 23, every regulation made under this section and every order or rule made in pursuance of such a regulation shall have effect notwithstanding anything inconsistent therewith contained in any law; and any provision of a law which is inconsistent with any such regulation, order or rule shall, whether that provision has or has not been amended, modified or suspended in its operation under any Act, cease to have effect to the extent that such regulation, order or rule remains in force.	Section 29 of the current Constitution should be amended by the addition of a new subsection 6 (k) as follows:
	29(12)	A declaration made under subsection (1) that has been approved by or superseded by a resolution of Parliament in pursuance of subsection (2) shall, subject to the provisions of subsection (3), remain in force as long as that resolution remains in force.	





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	29(13)	A resolution of Parliament passed for the purpose of this section shall remain in force for a period of twelve months or such shorter period as may be specified therein:	Where a state of emergency exists, the President will not derogate from the recognized international requirements pertaining to certain human rights which have been identified in Article 4 (2) of the United Nations International Covenant on Civil and Political Rights as non derogate under any circumstances, such as the right to life, the prohibition of torture, the principles of legality in the field of criminal law, and the freedom of thought, conscience and religion.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		<p>Provided that any such resolution may be extended from time to time by a further such resolution, supported by the votes of two-thirds of Members of Parliament, each extension not exceeding twelve months from the date of the resolution effecting the extension; and any such resolution may be revoked at any time by a resolution supported by the votes of a simple majority of all the Members of Parliament.</p>	
	29(14)	<p>Any provision of this Section that a declaration made under subsection (1) shall lapse or cease to be in force at any particular time is without prejudice to the making of a further such declaration whether before or after that time.</p>	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	29(15)	Every document purporting to be an instrument made or issued by the President or other authority or person in pursuance of this section, or of any regulation made thereunder and to be signed by or on behalf of the President or such other authority or person, shall be received in evidence, and shall, until the contrary be proved, be deemed to be an instrument made or issued by the President or that authority or person.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	29(16)	The President may summon Parliament to meet for the purpose of subsection (2) notwithstanding that Parliament then stands dissolved, and the persons who were Members of Parliament immediately before the dissolution shall be deemed, for those purposes, still to be Members of Parliament but subject to the provisions of section 79 of this Constitution (which relates to the election of the Speaker of Parliament), without prejudice to the provisions of section 85 of this Constitution (which relates to the prolongation of the life of Parliament during a period of public emergency). Parliament shall not when summoned by virtue of this subsection transact any business other than debating and voting upon a resolution for the purpose of subsection (2).	
	29(17)	During a period of detention—	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	If any person who is detained in such a case as is mentioned in paragraph (a) of subsection (6) and who is not released so requests at any time not earlier than thirty days after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law, comprising not more than three persons from amongst persons of not less than fifteen year's standing entitled to practise in Sierra Leone as legal practitioners;	
	B	The Chairman of the tribunal, set up under paragraph (a) shall be appointed by the Chief Justice, and the two other members shall be nominated by the Sierra Leone Bar Association;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	Any review by a tribunal in pursuance of paragraph 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 recommendation.	
	29(18)	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 authorises the taking during a period of a state of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists immediately before and during that period of a state of public emergency.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Interpretation of Chapter III	30 (1)	In this Chapter, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say— "contravention" in relation to any requirement includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly; "court" means any court of law in Sierra Leone other than a local court or a court constituted by or under service law and—	
	A	In section 16, section 17, section 18, section 19, subsections (3), (5), (6), (9) (but not the proviso thereto) and (11) of Section 23, subsection (2) of section 25, subsection 8 of section 27, subsection (3) of section 28 and subsection (4) of section 29 includes, in relation to an offence against service law, a court so constituted; and	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	In sections 17 and 19, and subsection (8) of section 27, 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 airforce of the Government of the Republic of Sierra Leone; "member" in relation to a defence force or other disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline;	
		owner includes any person or his successor in title deprived of any right or interest pursuant to section 21; and	
		service law means the law regarding the discipline of a defence force or of the Sierra Leone Police Force or the Prisons Service or any disciplined volunteer force.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	30(2)	References in sections 16, 17, 18 and 21 to a "criminal offence" shall be construed as including references to an offence against service law and such references in subsections (4) to (9) of section 23 shall, in relation to proceedings before a court constituted by or under service law, be similarly construed.	
	30(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 the provisions of this Chapter.	
	30(4)	In relation to any person who is a member of a disciplined force raised under an Act of Parliament, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	30(5)	In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in Sierra Leone, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.	
	30(6)	In determining the appropriate "majority of all Members of Parliament" account shall only be taken of the persons actually and validly existing as Members of Parliament at the relevant time.	
<b>CHAPTER IV — THE REPRESENTATION OF THE PEOPLE</b>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Registration of voters.	31	Every citizen of Sierra Leone being eighteen years of age and above and of sound mind shall have the right to vote, and accordingly shall be entitled to be registered as a voter for the purposes of public elections and referenda.	
	32(1)	There shall be an Electoral Commission for Sierra Leone	
	32(2)	The members of the Electoral Commission shall be a Chief Electoral Commissioner, who shall be the Chairman, and four other members who shall be known as Electoral Commissioners.	
	32(3)	The members of the Electoral Commission shall be appointed by the President after consultation with the leaders of all registered political parties and subject to the approval of Parliament.	
	32(4)	A person shall not be qualified—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	For appointment as a member of the Electoral Commission if he is not qualified to be elected as a Member of Parliament, or	
	B	To hold office as a member of the Electoral Commission if he is a Minister, a Deputy Minister, a Member of Parliament, or a public officer, or if he has attained the age of sixty-five years.	Section 32 (4) (b) of the 1991 Constitution reads: A person shall not be qualified to hold office as a member of the Electoral Commission if he is a Minister, a Deputy Minister, a Member of Parliament, or a public officer, or if he has attained the age of sixty-five years.
			<b>Proposed amendment:</b>
			By the deletion of "if he has attained the age of sixty-five years".
	32(5)	The terms and conditions of service of members of the Electoral Commission shall be such as Parliament shall prescribe.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	32(6)	A member of the Electoral Commission shall before assuming the functions of his office, take and subscribe before the President the Oath as set out in the Third Schedule to this Constitution.	
	32(7)	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	On attaining the age of sixty-five years; or	Section 32 (7) (b) of the 1991 Constitution reads: Subject to the provisions of this section, a member of the Electoral Commission shall vacate his office on attaining the age of sixty-five years.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			By the deletion of Section 32 (7) (b).
	C	If any circumstances arise which, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.	
	32(8)	A member of the Electoral Commission may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.	Section 32 (8) of the 1991 Constitution reads: A member of the Electoral Commission may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			By the deletion of the words “or any other cause” and by the addition of the words “in consultation with the leaders of all registered political parties”.
	32(9)	A member of the Electoral Commission shall not be removed from office except in accordance with the provisions of this section.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	32(10)	Whenever a member of the Electoral Commission dies, resigns, is removed from office, or is absent from Sierra Leone, or is by reason of illness or any other cause unable to perform the functions of his office, the President may appoint a person who is qualified to be appointed Electoral Commissioner and any person so appointed shall, subject to the provisions of subsections (6) and (7), continue to perform those functions until his appointment is revoked by the President, or until the Electoral Commissioner is able to perform those functions, or until the appointment of a new Electoral Commissioner.	
	32(11)	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 person or authority.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	32(12)	The Chief Electoral Commissioner shall submit a report on the programme and work of the Electoral Commission at least once a year to the President and a copy of such report shall be laid before Parliament.	
Functions of the Electoral Commission.	33	Subject to the provisions of the Constitution, the Electoral Commission shall be responsible for the conduct and supervision of the registration of voters for, and of, all public elections and referenda; and for that purpose shall have power to make regulations by statutory instrument for the registration of voters, the conduct of Presidential, Parliamentary or Local Government elections and referenda, and other matters connected therewith, including regulations for voting by proxy.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Political Parties Registration Commission.	34(1)	There shall be a Political Parties Registration Commission which shall consist of four members appointed by the President, namely—	Section 34 (1) of the 1991 Constitution reads: There shall be a Political Parties Registration Commission which shall consist of four members appointed by the President, namely –
	(A)	The Chairman of the Commission, who shall be a person who has held Judicial office or is qualified to be appointed a Judge of the Superior Court of Judicature nominated by the Judicial and Legal Service Commission;	The Chairman of the Commission, who shall be a person who has held Judicial office or is qualified to be appointed a Judge of the Superior or is qualified to be appointed a Judge of the Superior Court of Judicature nominated by the Judicial and Legal Service Commission
	(B)	The Chief Electoral Commissioner;	The Chief Electoral Commissioner;
	C	A legal practitioner nominated by the Sierra Leone Bar Association; and	A legal practitioner nominated by the Sierra Leone Bar Association; and



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	A member nominated by the Sierra Leone Labour Congress.	A member nominated by the Sierra Leone Labour Congress.
			<b>Proposed amendment:</b>
			By extending the membership of Political Parties Registration Commission to five, one of whom shall be nominated by Women's Civil Society Organizations, thereby adding a new subsection (e) which reads: "and a member nominated by women's civil society organizations."



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	34(2)	The members of the Commission, other than the Chief Electoral Commissioner, shall be appointed by the President subject to the approval of Parliament.	
	34(3)	The Administrator and Registrar-General shall be Secretary to the Commission.	
	34(4)	The Commission shall be responsible for the registration of all political parties and for that purpose may make such regulations as may be necessary for the discharge of its responsibilities under this Constitution;	
		Provided that the first registration of political parties after the coming into force of this Constitution shall be undertaken by the Electoral Commission.	
	34(5)	In the exercise of any functions vested in it by this Constitution, the Commission shall not be subject to the direction or control of any person or authority, save only as regards the right to appeal contained in section 35.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Registration and conduct of political parties.	35(1)	Subject to the provisions of this section, political parties may be established to participate in shaping the political will of the people, to disseminate information on political ideas, and social and economic programmes of a national character, and to sponsor candidates for Presidential, Parliamentary or Local Government elections.	
	35(2)	The internal organisation of a political party shall conform to democratic principles, and its aims, objectives, purposes and programmes shall not contravene, or be inconsistent with, any provisions of this Constitution.	
	35(3)	A statement of the sources of income and the audited accounts of a political party, together with a statement of its assets and liabilities, shall be submitted annually to the Political Parties Registration Commission, but no such account shall be audited by a member of the political party whose account is submitted.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	35(4)	No political party shall have as a leader a person who is not qualified to be elected as a Member of Parliament.	
	35(5)	No association, by whatever name called, shall be registered or be allowed to operate or to function as a political party if the Political Parties Registration Commission is satisfied that—	
	A	Membership or leadership of the party is restricted to members of any particular tribal or ethnic group or religious faith; or	
	B	Membership or leadership of the party is restricted to members of any particular tribal or ethnic group or religious faith; or	
	C	The party is formed for the sole purpose of securing or advancing the interests and welfare of a particular tribal or ethnic group, community, geographical area or religious faith; or	
	D	The party does not have a registered office in each of the Provincial Headquarter towns and the Western Area.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	35(6)	Subject to the provisions of this Constitution, and in furtherance of the provisions of this section, Parliament may make laws regulating the registration, functions and operation of political parties.	
	35(7)	Any association aggrieved by a decision of the Political Parties Registration Commission under this section may appeal to the Supreme Court and the decision of the Court shall be final.	
	35(8)	For the purposes of this section the expression—	
		Association includes any body of persons, corporate or incorporate, who agree to act together for any common purpose, or an association formed for any ethnic, social, cultural, occupational or religious purpose; and "political party" means any association registered as a political party as prescribed by subsection (5).	
<b>Secret Ballot</b>	36	At any public elections or referenda voting shall be by secret ballot.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
Referendum.	37(1)	In any referendum held pursuant to an Act of Parliament, every person who is entitled to vote in elections of Members of Parliament shall be entitled to vote at such referendum and no other person may so vote; and the issue in the referendum 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 valid votes cast.	





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	37(2)	<p>Conduct of any referendum for the purposes of subsection (1) shall be under the general supervision of the Electoral Commission and the provisions of Section 38 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.</p>	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	37(3)	<p>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 this office, the Deputy Speaker) that the provisions of subsections (1), (2) and (3) of section 106 and, where appropriate, the provisions of subsections (1) and (2) have been complied with.</p>	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
Constituencies and elections.	38(1)	Sierra Leone shall be divided into such constituencies for the purpose of electing the Members of Parliament referred to in paragraph (b) of subsection (1) of section 74 of this Constitution as the Electoral Commission, acting with the approval of Parliament signified by resolution of Parliament, may prescribe.	Section 38 of the 1991 Constitution is to be amended by adding a new subsection (9) which read as follows: No person shall vote or be voted for in any public election referred to in this Section or elsewhere unless he or she is an elector whose name is on a register of electors under the Franchise and Electoral Act, 1961, or under any Act of Parliament amending or replacing that Act.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			The Amendment Act No. 15 of 2001 to Section 38 of the 1991 Constitution is hereby repealed as the Commission is of the view that the circumstances which gave rise to the amendment no longer exist.
	38(2)	Every constituency established under this section shall return one Member of Parliament.	
	38(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.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		<p>Provided that the number of inhabitants of such a constituency may be greater or less than the population quota in order to take account of means of communications, geographical features, density of population, the distribution of different communities, the areas and boundaries of the Chiefdoms and other administrative or traditional areas.</p>	
	38(4)	<p>The Electoral Commission shall review the division of Sierra Leone into constituencies at intervals of not less than five and not more than seven 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:</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		<p>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 subsection (1) of section 74 by reason of the holding of a census of the population of Sierra Leone in pursuance of an Act of Parliament.</p>	
	38(5)	<p>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.</p>	
	38(6)	<p>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.</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	38(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.	
	38(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 it shall cause the register of voters to be revised and reviewed at least once in every three years.	
Filling of vacancies.	39(1)	When the seat of any member of Parliament becomes vacant, the vacancy shall be filled by election, not later than six months after the vacancy occurs, in accordance with the provisions of law relating to such election;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	39(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.	
<b>CHAPTER V – THE EXECUTIVE PART I – THE PRESIDENT</b>			
<b>Office of President.</b>	40(1)	There shall be a President of the Republic of Sierra Leone who shall be Head of State, the supreme executive authority of the Republic and the Commander-in-Chief of the Armed Forces.	
	40(2)	The President shall be the Fountain of Honour and Justice and the symbol of national unity and sovereignty.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	40(3)	The President shall be the guardian of the Constitution and the guarantor of national independence and territorial integrity, and shall ensure respect for treaties and international agreements.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	40(4)	Notwithstanding any provisions of this Constitution or any other law to the contrary, the President shall, without prejudice to any such law as may for the time being be adopted by Parliament, be responsible, in addition to the functions conferred upon him in the Constitution, for—	The provision to Section 40 (4) of the 1991 Constitution reads: 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 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 Parliament; or



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(ii)		By a resolution supported by the votes of not less than one-half of the Members of Parliament.
			<b>Proposed amendment:</b>
			By the deletion of the words “within the legislative competence of Parliament” and the addition of a new No (iii) or by referendum where the Agreement alters or seeks to alter an entrenched provision of the Constitution.
	a	All constitutional matters concerning legislation;	
	b	Relations with Foreign States;	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	c	The reception of envoys accredited to Sierra Leone and the appointment of principal representatives of Sierra Leone abroad;	
	d	The execution of treaties, agreements or conventions in the name of Sierra Leone;	
	e	The exercise of the Prerogative of Mercy;	
	f	The grant of Honours and Awards;	
	g	The declaration of war; and	
	h	Such other matters as may be referred to the President by Parliament:	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		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 authorises any expenditure out of, the Consolidated 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 Parliament; or	
	ii	By a resolution supported by the votes of not less than one-half of the Members of Parliament.	
<b>Qualifications for Office of President.</b>	41	No person shall be qualified for election as President unless he—	
	A	Is a citizen of Sierra Leone;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	Is a member of a political party;	
	C	Has attained the age of forty years; and	
	D	Is otherwise qualified to be elected as a Member of Parliament.	
Election of President	42(1)	A Presidential candidate shall be nominated by a political party.	
	42(2)	The following provisions shall apply to an election to the office of President—	
	A	All persons registered in Sierra Leone as voters for the purposes of election to Parliament shall be entitled to vote in the election;	
	B	The poll shall be taken by a secret ballot on such day or days, at such time, and in such manner as may be prescribed by or under an Act of Parliament;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	A candidate for an election to the office of President shall be deemed to have been duly elected to such office where he is the only candidate nominated for the election after the close of nomination;	
	D	Where in an election to the office of President a candidate nominated for the election dies, is incapacitated or disqualified, the party which nominated him shall within seven days of such death, incapacitation or disqualification, nominate another candidate;	
	E	No person shall be elected as President of Sierra Leone unless at the Presidential election he has polled not less than fifty-five per cent of the valid votes in his favour; and	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	F	In default of a candidate being duly elected under paragraph (e), the two candidates with the highest number or numbers of votes shall go forward to a second election which shall be held within fourteen days of the announcement of the result of the previous election, and the candidate polling the higher number of votes cast in his favour shall be declared President.	
	42(3)	A person elected to the office of President under this section shall assume that office on the day upon which he is declared elected by the Returning Officer, or upon the date that his predecessor's term of office expires, whichever is the latter.	
Period during which Presidential elections shall take place.	43	A Presidential election shall take place—	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	Where the office of President is to become vacant by effluxion of time and the President continues in office after the beginning of the period of four months ending with the date when his term of office would expire by effluxion of time, during the first three months of that period;	
	B	In any other case, during the period of three months beginning with the date when the office of President becomes vacant:	
		Provided that—	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	A	Where any proceedings have been lawfully commenced or taken for the purposes of the election and assumption of office of a President, it shall not be recommended or retaken whether or not a President has thereby been duly elected, by reason only that a vacancy has occurred in the office of President otherwise than by effluxion of time; and the said proceedings shall, subject to the provision of this Constitution, be continued and committed in accordance with this Constitution and any other law for the time being in force relating thereto, with such modification as may be necessary; and	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	B	Where the office of President becomes vacant during a period when Parliament is dissolved, the Presidential election shall be held and completed before the election of Members of Parliament	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
			<p>Section 43 (4) of the 1991 Constitution reads: The Commission shall be responsible for the registration of all political parties and for that purpose may make such regulations as may be necessary for the discharge of its responsibilities under this Constitution;</p> <p>Provided that the first registration of political parties after the coming into force of this Constitution shall be undertaken by the Electoral Commission.</p>
			<p><b>Proposed amendment:</b></p>
			<p>By the deletion of the proviso to Section 34 (4).</p>





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Parliament to make laws for election of President.	44	Parliament shall make laws for the purpose of regulating the election of the President and other matters connected therewith.	
	45(1)	The Chief Electoral Commissioner shall be the Returning Officer for the election of a President.	
	45(2)	Any question which may arise as to whether—	
	A	Any provision of this Constitution or any law relating to the election of a President under sections 42 and 43 of this Constitution has been complied with; or	
	B	Any person has been validly elected as President under section 42 of this Constitution or any other law, shall be referred to and determined by the Supreme Court.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Tenure of office of President, etc.	46(1)	No person shall hold office as President for more than two terms of five years each whether or not the terms are consecutive.	
	46(2)	Any person who is elected President while he is, or has been elected a Member of Parliament shall, on assuming office as President, cease to be an elected Member of Parliament and his seat shall be declared vacant.	
	46(3)	The President shall not, while he continues in office as President, hold any other office of profit or emolument in the service of Sierra Leone or occupy any other position carrying the right to remuneration for rendering services.	
Second Schedule.	46(4)	Upon his assumption of office, the President shall take and subscribe the oath for the due execution of his office as set out in the Second Schedule to this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
President in Parliament.	46(5)	The oath aforesaid shall be administered by the Chief Justice of Sierra Leone or the person for the time being appointed to exercise the functions of the Chief Justice	
President in Parliament.	47	The President shall be entitled to address Parliament in person or to send a message to Parliament to be read by his Vice-President or a Minister on his behalf.	
Incidents of office, etc.	48(1)	The President shall receive such salary and allowances as may be prescribed by Parliament and such salary and allowances payable to the President are hereby charged on the Consolidated Fund.	
	48(2)	The salary and allowances of the President shall not be altered to his disadvantage during his tenure of office.	
	48(3)	The President shall be exempted from personal taxation.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	48(4)	While 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 anything done or omitted to be done by him either in his official or private capacity.	
	48(5)	The President shall be entitled to such pension and retiring benefits as shall be prescribed by Parliament.	
<b>Vacancy in office of President.</b>	49(1)	The office of President shall become vacant—	Sections 49 (1) of the 1991 Constitution reads: The Office of President shall become vacant – r
	A	On the expiration of any of the terms prescribed in subsection (1) of section 46 of this Constitution; or	On the expiration of any of the terms prescribed in subsection (1) of Section 46 of this Constitution; or
	B	Where the incumbent dies or resigns or retires from that office; or	Where the incumbent dies or resigns or retires from that office; or





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	C	Where the incumbent ceases to hold that office in pursuance of section 50 or 51 of this Constitution: Provided that the President shall not resign or retire from his office even at the due expiration of his term of office while a general election of Members of Parliament is pending within the ensuing three months, or where a state of public emergency has been declared.	Where the incumbent ceases to hold that office in pursuance of Section 50 or 51 of this Constitution.
			<b>Proposed amendment:</b>
			By the addition of a new subsection 49 (1) (d) to read as follows:



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(d)		If he voluntarily ceases to be a member of the political party of which he was a member at the time of his election to office.
	49(2)	If Sierra Leone is at war in which the national territory is physically involved, and the President considers that it is not practicable to hold elections, Parliament may by resolution extend the period of five years mentioned in sub-section (1) of section 46, but no such extension shall exceed a period of six months at any one time.	
	49(3)	Any resignation or retirement by a person from the office of President shall be in writing addressed to the Chief Justice and a copy thereof shall be sent to the Speaker and the Chief Electoral Commissioner.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	49(4)	Whenever the President dies, resigns, retires or is removed from office as a result of paragraphs (b) and (c) of subsection (1), the Vice-President shall assume office as President for the unexpired term of the President with effect from the date of the death, resignation, retirement or removal of the President, as the case may be.	
	49(5)	The Vice-President shall, before assuming office as President in accordance with subsection (4), take and subscribe the oath for the due execution of his office as set out in the Second Schedule to this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Mental or physical incapacity.	50(1)	Where the Cabinet has resolved that the question of the mental or physical capacity of the President to discharge the functions conferred on him by this Constitution ought to be investigated and has informed the Speaker accordingly, the Speaker shall, in consultation with the Head of the Medical Service of Sierra Leone, appoint a Board consisting of not less than five persons selected by him from among persons registered as medical practitioners under the laws of Sierra Leone.	
	50(2)	The Board appointed under subsection (1) shall enquire into the matter and 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 conferred on the President by this Constitution.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	50(3)	Where the Cabinet has resolved that the question of the mental or physical capacity of the President to discharge the functions conferred on him by this Constitution ought to be investigated in accordance with the provisions of subsection (1), the President shall, as soon as another person assumes the office of President, cease to perform those functions and until the Board submits its report, those functions shall be exercised in accordance with subsection (1) of section 52 of this Constitution.	
	50(4)	Where the Board reports that the President is incapable of discharging the functions conferred on him by this Constitution by reason of infirmity of mind or body, the Speaker shall certify in writing accordingly, and thereupon, the President shall cease to hold office and a vacancy shall be deemed to have occurred in the office of President and subsection (4) of section 49 of this Constitution shall apply.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	50(5)	Upon receipt of the report of the Board referred to in subsection (4), the Speaker shall—	
	A	If Parliament is then sitting or has been summoned to meet, within five days communicate the report to Parliament;	
	B	If Parliament is not then sitting (and notwithstanding that it may be prorogued), summon Parliament to meet within twenty-one days after the receipt by the Speaker of the report of the Board and communicate the report of the Board to Parliament.	
	50(6)	For the purposes of this section—	
	A	The Cabinet may act notwithstanding any vacancy in its membership or the absence of any member;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	a Certificate by the Speaker that the President is by reason of mental or physical infirmity unable to discharge the functions of the office of President conferred on him by this Constitution shall, in respect of any period for which it is in force, be conclusive and shall not be entertained or enquired into in any court	
Misconduct by President	51(1)	If notice in writing is given to the Speaker 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 seven days of the receipt of the notice; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	If Parliament is not then sitting (and notwithstanding that it may be prorogued), summon Parliament to meet within twenty-one days of the receipt of the notice, and cause the motion to be considered by Parliament.	
	51(2)	Where a motion under this section is proposed for consideration by Parliament, it shall meet in secret session and shall not debate the motion, but the Speaker or 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 Members of Parliament, shall declare the motion to be passed.	
	51(3)	If a motion is declared to be passed under subsection (2)—	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	The Speaker shall immediately notify the Chief Justice who shall appoint a tribunal which shall consist of a Chairman who shall be a Justice of the Supreme Court and not less than four others selected by the Chief Justice, at least two 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 through the Speaker whether or not it finds 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.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	51(4)	If the Tribunal reports to Parliament that if 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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	51(5)	Where the Tribunal reports to Parliament that it finds that the particulars of any allegation specified in the motion have been substantiated, 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 where Parliament so resolves, the President shall thereupon cease to hold office and a vacancy shall then be deemed to have occurred in the office of President and subsection (4) of Section 49 of this Constitution shall apply accordingly.	
Temporary filling of vacancy.	52(1)	Whenever the President is absent from Sierra Leone or is by reason of illness or any other cause unable to perform the functions conferred upon him by this Constitution, those functions shall be performed by the Vice-President.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	52(2)	Upon assumption of office under subsection (1), the Vice-President shall not take and subscribe the oath of office of President.	
<b>PART II-EXECUTIVE POWERS</b>			
Exercise of executive authority in Sierra Leone.	53(1)	Subject to the provisions of this Constitution, the executive power in Sierra Leone shall vest in the President and may be exercised by him directly or through members of the Cabinet, Ministers, Deputy Ministers or public officers subordinate to him.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	53(2)	<p>In the exercise of his functions, the President may 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 with the approval of Parliament or in accordance with the advice of any person or authority other than the Cabinet:</p> <p>Provided that the President shall always act in accordance with his deliberate judgement in signifying his approval for the purpose of an appointment to an office on his personal staff.</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	53(3)	Where by this Constitution or under any other law 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 inquired into in any court.	
	53(4)	The reference in subsection (1) to the functions of the President shall be construed as 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.	
	53(5)	Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the President	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Vice President	54(1)	There shall be a Vice-President of the Republic of Sierra Leone who shall be the Principal Assistant to the President in the discharge of his executive functions.	
	54(2)	A person—	
	A	Shall be designated a candidate for the office of Vice-President by a Presidential candidate before a Presidential election;	
	B	Shall not be qualified to be a candidate for the office of Vice-President unless he has the qualifications specified in section 41.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	54(3)	A candidate shall be deemed to be duly elected as Vice-President if the candidate who designated him as candidate for election to the office of Vice-President has been duly elected as President in accordance with the provisions of section 42.	
	54(4)	The Vice-President shall, before entering upon the duties of his office, take and subscribe the oath of Vice-President as set out in the Third Schedule of this Constitution.	





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	54(5)	Whenever the office of the Vice-President is vacant, or the Vice-President dies, resigns, retires or is removed from office, the President shall appoint a person qualified to be elected as a Member of Parliament to the office of Vice-President with effect from the date of such vacancy, death, resignation, retirement or removal.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	54(6)	Whenever the President and Vice-President are both for any reason unable to perform the functions of the President, the Speaker of Parliament shall perform those functions until the President or Vice-President is able to perform those functions, and shall take and subscribe the oath of office as set out in the Second Schedule before commencing to perform those functions.	
	54(7)	Where the Speaker of Parliament assumes the office of President as a result of the death, resignation or removal from office of the President and Vice-President, there shall be a Presidential election within ninety days of that assumption of office.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	54(8)	The provisions of sections 50 and 51 of this Constitution, relating to the removal from office of the President, shall apply to the removal from office of the Vice-President.	
<b>Vacancy in the office of Vice-President.</b>	55	The office of the Vice-President shall become vacant—	Section 55 of the 1991 Constitution reads: The office of the Vice President shall become vacant —
	A	On the expiration of the term of office of the President; or	On the expiration of the term of Office of the President; or
	B	If the Vice-President resigns or retires from office or dies; or	If the Vice-President resigns or retires from office or dies; or
	C	If the Vice-President is removed from office in accordance with the provisions of section 50 or 51 of this Constitution; or	If the Vice-President is removed from office in accordance with the provisions of Section 50 or 51 of this Constitution; or.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	D	Upon the assumption by the Vice-President to the office of President under subsection (4) of section 49.	Upon the assumption by the Vice-President to the office of President under subsection (4) of Section 49
			<b>Proposed amendment:</b>
			By the addition of a new subsection 55 (e) to read as follows:
	(e)		If he voluntarily ceases to be a member of the political party or which he was a member at the time of his election to office.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Ministers and Deputy Ministers of Government	56(1)	There shall be, in addition to the office of Vice-President, such other offices of Ministers and Deputy Ministers as may be established by the President: Provided that no Member of Parliament shall be appointed a Minister or Deputy Minister.	Section 56 (1) of the 1991 Constitution reads: There shall be, in addition to the office of Vice President, such other offices of Ministers and Deputy Ministers as may be established by the President: Provided that no Member of Parliament shall be appointed a Minister or Deputy Ministe.
			<b>Proposed amendment:</b>
			By the deletion of the word "appointed" to be replaced by the words "nominated to be".
	56(2)	A person shall not be appointed a Minister or Deputy Minister unless—	
	A	He is qualified to be elected as a Member of Parliament; and	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	He has not contested and lost as a candidate in the general election immediately preceding his nomination for appointment; and	
	C	His nomination is approved by Parliament.	
	56(3)	A Minister or a Deputy Minister shall not, while he continues in office, hold any other office of profit or emolument whether by way of allowances or otherwise, whether private or public, and either directly or indirectly: Provided that the Vice-President, the Ministers and the Deputy Ministers shall be entitled to such remuneration, allowances, gratuities, pensions, and other incidents of office as may be prescribed by Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	56(4)	Subject to the provisions of section 53 of this Constitution, the Ministers and Deputy Ministers shall hold office at the President's discretion.	
	56(5)	Subject to the provisions of subsection (6), 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.	
	56(6)	Notwithstanding the provisions of subsection (5), the President shall be responsible for such departments of State, including the Commissions established under this Constitution, as he may determine	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Oaths to be taken by Ministers, etc.	57	A Minister or a 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 duties as set out in the Third Schedule.	
Ministerial vacancies.	58(1)	The office of a Minister or a Deputy Minister shall become vacant—	
	A	On the expiration of the term of office of the President; or	
	B	If his appointment is revoked by the President; or	
	C	If he resigns or retires from office or dies; or	
	D	If he is elected as Speaker or Deputy Speaker of Parliament; or	
	E	Upon the assumption of any other person to the office of President.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	58(2)	Notwithstanding the provisions of paragraphs (a) and (e) of subsection (1), Ministers and Deputy Ministers shall not vacate office as such by reason of the expiration of the term of office of the President or the assumption by the Speaker to the office of President pursuant to subsections (7) and (8) of section 54 and shall accordingly continue to perform the functions of their respective offices until the election of the new President and the Vice-President.	
<b>Establishment of Cabinet.</b>	59(1)	There shall be a Cabinet whose functions shall be to advise the President in the government of Sierra Leone and which shall consist of the President, the Vice-President and such Ministers as the President may from time to time appoint.	
	59(2)	A person appointed as a Member of Cabinet shall vacate his seat in the Cabinet if he ceases to be a Minister or if the President so directs.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	59(3)	The Cabinet shall determine the general policy of the Government.	
	59(4)	The President shall hold regular meetings of the Cabinet at which he shall preside, and in his absence the Vice-President shall preside.	
<b>Collective responsibility.</b>	60(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.	
	60(2)	The provisions of this section shall not apply in relation to—	
	A	The appointment and removal from office of Ministers and Deputy Ministers, or the assignment of responsibility to any Minister; or	
	B	The exercise of the prerogative of mercy; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	The exercise by the Attorney-General and Minister of Justice or the Director of Public Prosecutions of the powers conferred upon them under section 66.	
Constitution of offices.	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.	
Administration of Ministries.	62	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 Departments of Government may be placed under the supervision of one Permanent Secretary.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Prerogative of Mercy.	63(1)	The President may, acting in accordance with the advice of a Committee appointed by the Cabinet over which the Vice-President shall preside—	
	A	Grant any person convicted of any offence against the laws 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 an offence;	
	D	Remit the whole or any part of any punishment imposed upon any person for such an offence or any penalty or forfeiture otherwise due to the Government on account of such an offence.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	63(2)	Where any person has been sentenced to death by any Court 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.	
Establishment of office of Attorney-General and Minister of Justice.	64(1)	There shall be an Attorney-General and Minister of Justice who shall be the principal legal adviser to the Government and a Minister.	Section 64 of the 1991 Constitution reads: (1) There shall be an Attorney-General & Minister of Justice who shall be the principal legal adviser to the Government and a Minister;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	64(2)	The Attorney-General and Minister of Justice shall be appointed by the President from among persons qualified to hold office as a Justice of the Supreme Court and shall have a seat in the Cabinet.	The Attorney-General & Minister of Justice shall be appointed by the President from among persons qualified to hold office as a Justice of the Supreme Court and shall have a seat in the Cabinet;
	64(3)	All offences prosecuted in the name of the Republic of Sierra Leone shall be at the suit of the Attorney-General and Minister of Justice or some other person authorised by him in accordance with any law governing the same.	All offences prosecuted in the name of the Republic of Sierra Leone shall be at the suit of the Attorney-General & Minister of Justice or some other person authorised by him in accordance with any law governing the same;
	64(4)	The Attorney-General and Minister of Justice shall have audience in all Courts in Sierra Leone except local courts.	The Attorney-General & Minister of Justice shall have audience in all courts in Sierra Leone except local courts.
			<b>Proposed amendment:</b>



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	1		By the deletion of the words “Attorney-General & Minister of Justice” to be replaced by the word “Attorney-General”,
	2		The Office of Attorney-General shall be a public office which shall be filled in the same way as that of the Solicitor-General, i.e. he shall be appointed by the President on the advice of the Judicial and Legal Service Commission, with approval of Parliament, and he shall before assuming the functions of his Office, take and subscribe the oath as set out in the Third Schedule of the Constitution,
	3		The holder of the Office of the Attorney-General must be a Sierra Leonean, and



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	4		If a President so desires, he can appoint a Minister of Justice, whose portfolio shall include the courts, the Prisons and the Probation service for administrative and political purposes.
			The rational for this proposal is that there should be transparency in the administration of justice and non-interference by the Executive in the domain of the Judiciary.
Solicitor- General.	65(1)	There shall be a Solicitor-General, whose office shall be a public office.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	65(2)	<p>The Solicitor-General shall be appointed by the President on the advice of the Judicial and Legal Service Commission and he shall, before assuming the functions of his office take and subscribe to the oath as set out in the Third Schedule to this Constitution.</p>	<p>Section 65 (2) of the 1991 Constitution reads: The Solicitor-General shall be appointed by the President on the advice of the Judicial and Legal Service Commission and he shall, before assuming the functions of his office take and subscribe to the oath as set out in the Third Schedule to this Constitution.</p>
			<p><b>Proposed amendment:</b></p>
			<p>By the inclusion of the words “and subject to the approval of Parliament” between the words “Commission” and “and”</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	65(3)	A person shall not be qualified to hold or act in the office of Solicitor-General unless he is qualified for appointment as a Justice of the Court of Appeal.	
	65(4)	The Solicitor-General shall be the principal assistant to the Attorney-General and Minister of Justice.	
	65(5)	The Solicitor-General shall have audience in all courts in Sierra Leone except local courts.	
	65(6)	The Solicitor-General shall in all matters or any other law be subject to the general or special direction of the Attorney-General and Minister of Justice.	
	65(7)	Subject to the provisions of this section, a person holding the office of Solicitor-General shall vacate his office when he attains the age of sixty-five years.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	65(8)	If the office of Solicitor-General is vacant or the holder of that office is for any reason unable to perform the functions thereof, a person qualified for appointment to that office may be appointed to act therein, and any person so appointed shall, subject to the provisions of subsection (7) and subsections (9) to (12) inclusive, continue to act until a person has been appointed to and has assumed the functions of the office of Solicitor-General or until the person holding the office has resumed those functions.	
	65(9)	The Solicitor-General may be removed from office only for inability to discharge the functions of his office, (whether arising from infirmity of mind or body or any other cause), or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	65(10)	If the Judicial and Legal Service Commission represents to the President that the question of removing the Solicitor-General from office under subsection (9) ought to be investigated then—	
	A	The President, acting in consultation with the Judicial and Legal Service Commission, shall appoint a tribunal which shall consist of a Chairman and two other members, all of whom shall be persons who hold, have held or are qualified to hold office as a Justice of the Supreme Court; and	
	B	The tribunal shall enquire into the matter and report on the facts thereof and the findings thereon, and recommend to the President whether the Solicitor-General ought to be removed from office under subsection (12).	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	65(11)	Where the question of removing the Solicitor-General from office has been referred to a tribunal under subsection (10), the President may suspend the Solicitor-General from performing the functions of his office, and any	
	65(12)	The Solicitor-General shall be removed from office by the President if the question of his removal from office has been referred to a tribunal appointed under subsection (10) and the tribunal has recommended to the President that he ought to be removed from office of inability to discharge the functions of his office as stated in subsection (9) or for misbehaviour.	
Director of Public Prosecutions.	66 (1)	There shall be a Director of Public Prosecutions whose office shall be a public office.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	66(2)	The Director of Public Prosecutions shall be appointed by the President on the advice of the Judicial and Legal Service Commission and subject to the approval of Parliament, and shall, before assuming the functions of his office, take and subscribe to the oath as set out in the Third Schedule to this Constitution.	
	66(3)	A person shall not be qualified to hold or act in the office of Director of Public Prosecutions unless he is qualified for appointment as a Justice of the Court of Appeal.	
<b>Director of Public Prosecutions.</b>	66(4)	Subject to subsection (3) of section 64, the Director of Public Prosecutions shall have power in any case in which he considers is desirable so to do—	
	A	To institute and undertake criminal proceedings against any person before any court in respect of any offences against the laws of Sierra Leone;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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 judgement is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.	
	66(5)	The powers of the Director of Public Prosecutions under subsection (4) may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.	
	66(6)	The Director of Public Prosecutions 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 and Minister of Justice.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	66(7)	The powers conferred upon the Attorney-General and Minister of Justice 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.	
	66(8)	In the exercise of the powers conferred upon him by this section, the Attorney-General and Minister of Justice shall not be subject to the direction or control of any other person or authority.	





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	66(9)	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.	
	66(10)	Subject to the provisions of this section, a person holding the office of Director of Public Prosecutions shall vacate his office when he attains the age of sixty-five years.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	66(11)	<p>If the office of Director of Public Prosecutions is vacant or the holder of that office is for any reason unable to perform the functions thereof, a person qualified for appointment to that office may be appointed to act therein, and any person so appointed shall, subject to the provisions of subsection (10) and subsections (12) to (15) inclusive, continue to act until a person has been appointed to and has assumed the functions of the office of Director of Public Prosecutions or until the person holding the office has resumed those functions.</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	66(12)	The Director of Public Prosecutions may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.	
	66(13)	If the Judicial and Legal Service Commission represents to the President that the question of removing the Director of Public Prosecutions from office under subsection (12) ought to be investigated then—	
	A	The President, acting in consultation with the Judicial and Legal Service Commission, shall appoint a tribunal which shall consist of a Chairman and two other members, all of whom shall be persons who hold, have held, or are qualified to hold office as a Justice of the Supreme Court; and	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	The tribunal shall enquire into the matter and report on the facts thereof and the findings thereon to the President and recommend to the President whether the Director of Public Prosecutions ought to be removed from office under subsection (15).	
	66(14)	Where the question of removing the Director of Public Prosecutions from office has been referred to a tribunal under subsection (10), the President may suspend the Director of Public Prosecutions from performing the functions of his office, and any such suspension may at any time be revoked by the President, and shall in any case cease to have effect if the tribunal recommends to the President that the Director of Public Prosecutions shall not be removed from office.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	66(15)	The Director of Public Prosecutions shall be removed from office by the President if the question of his removal from office has been referred to a tribunal appointed under subsection (13) and the tribunal has recommended to the President that he ought to be removed from office for inability as aforesaid or for misbehaviour.	
<b>Secretary to the President</b>	67(1)	There shall be a Secretary to the President who shall be appointed by the President at his sole discretion.	
	67(2)	The functions of the Secretary to the President shall include—	Section 67 (2) of the 1991 Constitution reads The functions of the Secretary to the President shall include – : The functions of the Secretary to the President shall include –
	A	Acting as the principal adviser to the President on Public Service matters;	Acting as the principal adviser to the President on Public Service matters;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	The administration and management of the Office of the President, of which he shall also be Vote Controller;	The administration and management of the Office of the President, of which he shall also be Vote Controller;
	C	The performance of all other functions assigned to him from time to time by the President.	He performance of all other functions assigned to him from time to time by the President.
	67(3)	The office of Secretary to the President and the offices of members of his staff shall be public offices.	
	67(4)	Before assuming the functions of his office, the Secretary to the President shall take and subscribe to the oath as set out in the Third Schedule to this Constitution.	
<b>Secretary to the Cabinet.</b>	68(1)	There shall be a Secretary to the Cabinet who shall be the Head of the Civil Service and whose office shall be a public office.	
	68(2)	The Secretary to the Cabinet shall be appointed by the President in consultation with the Public Service Commission.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	68(3)	The functions of the Secretary to the Cabinet shall include—	Section 68 (3) of the 1991 Constitution reads: The functions of the Secretary to the Cabinet shall include-
	A	Having charge of the Cabinet Secretariat;	Having charge of the Cabinet Secretariat;
	B	Responsibility 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, in accordance with such instructions as may be given to him by the President;	Responsibility 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, in accordance with such instructions as may be given to him by the President;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	Co-ordinating and supervising the work of all administrative heads of ministries and departments in the Public Service;	Co-ordinating and supervising the work of all administrative heads of ministries and departments in the Public Service;
	D	Such other functions as the President may from time to time determine.	Such other functions as the President may from time to time determine.
			<b>Proposed amendment:</b>
			The functions of the Secretary to the Cabinet shall include:
	(A)		Acting as the Principal Adviser to the President on Public Service matters;
	(B)		Having charge of the Cabinet Secretariat;





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(C)		Responsibility 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, in accordance with such instructions as may be given to him by the President;
	(D)		Co-ordinating and supervising the work of all administrative head of ministries and departments in the Public Service;
	(E)		Such other functions as the President may from time to time determine.
	68(4)	The Secretary to the Cabinet shall not assume the duties of his office unless he has taken and subscribed to the oath as set out in the Third Schedule to this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Secretary to the Vice-President.	69(1)	There shall be a Secretary to the Vice-President whose office shall be a public office.	
	69(2)	The Secretary to the Vice-President shall be appointed by the President in consultation with the Public Service Commission and shall, before assuming the functions of his office, take and subscribe to the oath as set out in the Third Schedule to this Constitution.	
Power of appointment vested in the president.	70	The President may appoint, in accordance with the provisions of this Constitution or any other law the following persons—	Section 70 of the 1991 Constitution reads: The President may appoint, in accordance with the provisions of this Constitution or any other law the following persons-
	A	The Chief Justice;	The Chief Justice;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	Bany Justice of the Supreme Court, Court of Appeal, or Judge of the High Court;	Any Justice of the Supreme Court, Court of Appeal, or Judge of the High Court;
	C	The Auditor-General;	The Auditor-General;
	D	The sole Commissioner or the Chairman and other Members of any Commission established by this Constitution;	The sole Commissioner or the Chairman and other Members of any Commission established by this Constitution;
	E	The Chairman and other Members of the governing body of any corporation established by an Act of Parliament, a statutory instrument, or out of public funds, subject to the approval of Parliament.	The Chairman and other Members of the governing body of any corporation established by an Act of Parliament, a statutory instrument, or out of public funds.
	E	The Chairman and other Members of the governing body of any corporation established by an Act of Parliament, a statutory instrument, or out of public funds, subject to the approval of Parliament.	The Chairman and other Members of the governing body of any corporation established by an Act of Parliament, a statutory instrument, or out of public funds.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Power of Appointment Power of Appointment Vested in the President.	71	Notwithstanding the provisions of section 152 of this Constitution and save as otherwise provided in this Constitution, the President shall, in accordance with the provisions of this Constitution or any other law, appoint—	
	A	To any office to which section 141 (which relates to the offices within the jurisdiction of the Judicial and Legal Service Commission) applies;	
	B	To any office to which sections 153 and 154, which relate to certain offices abroad and the offices of Permanent Secretaries respectively, apply;	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	The Governor and the other members of the governing body of any State Bank, Banking or Financial Institutions.	
Office of Paramount Chief	72(1)	The institution of Chieftaincy as established by customary law and usage and its non-abolition by legislation is hereby guaranteed and preserved.	
	72(2)	Without derogating from the generality of the provisions of subsection (1), no provision of 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 108 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 subsection (3) of that section.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	72(3)	Nothing contained in or done under the authority of any law shall be held to be inconsistent with, or in contravention of, the provisions of subsection (1) to the extent that the law in question makes provision for the determination, in accordance with appropriate customary law and usage, of the validity of the nomination, election, unseating or replacement of any Paramount Chief, or the question of restraining in any way the exercise of any rights, duties, privileges or functions conferred upon, or enjoyed by him, by virtue of his office or the installation or deposition of a person as a Paramount Chief.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	72(4)	<p>A Paramount Chief may be removed from office by the President for any gross misconduct in the performance of the functions of his office if after a public inquiry conducted under the Chairmanship of a Judge of the High Court or a Justice of Appeal or a Justice of the Supreme Court, the Commission of Inquiry makes an adverse finding against the Paramount Chief, and the President is of the opinion that it is in the public interest that the Paramount Chief should be removed.</p>	<p>Section 72 (4) of the 1991 Constitution reads: A Paramount Chief may be removed from office by the President for any gross misconduct in the performance of the functions of his office if after a public inquiry conducted under the Chairmanship, of a Judge of the High Court or a Justice of Appeal or a Justice of the Supreme Court, the Commission of Inquiry makes an adverse finding against the Paramount Chief, and the President is of the opinion that it is in the public interest that the Paramount Chief should be removed.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	72(5)	Subject to the provisions of this Constitution and in furtherance of the provisions of this section, Parliament shall make laws for the qualifications, election, powers, functions, removal and other matters connected with the Chieftaincy.	72 (5) of the 1991 Constitution reads: Subject to the provisions of this Constitution and in furtherance of the provisions of this section, Parliament shall make laws for the qualifications, elections, powers, functions, removals and other matters connected with Chieftaincy.
			<b>Proposed amendment:</b>
			Section 72 (4) and (5) to be repealed and replaced by the following new provisions:
	A		Election of Paramount Chiefs





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			The Chieftom Councillors shall, whenever the office becomes vacant by death or otherwise elect a Paramount Chief, having regard to native law and customs to be in charge of the chieftom. The Ministry of Local Government or the supervising Ministry shall be responsible for the conduct and supervision of the elections of all Paramount Chiefs.
			<b>Disqualifications</b>
			No person shall be qualified for election as a Paramount Chief if:
	A		He is or was a ward of a Paramount Chief
	B		If he is a Regent Chief



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	c		He has been convicted and sentenced for an offence which involves fraud, dishonesty, or rape unless has been granted the presidential pardon or five years after he serves the sentence.
			<b>Duties</b>
	a		Every Paramount Chief shall supervise the collection of local and other taxes within the area over which he or she has jurisdiction.
	b		Every Paramount Chief shall maintain order and good government in the area over which he or she exercises jurisdiction.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	c		Every Paramount Chief shall use his best ability to prevent the Commission of offences within the area over which he or she exercises jurisdiction.
	d		Every Paramount Chiefs is the guardian of the tradition and culture of his chiefdom.
			<b>Powers of Paramount Chiefs</b>
			Every Paramount Chief in Council may make by-laws as may be deemed expedient for promoting the peace, good order and welfare of the people within his chiefdom
			Removal/Deposition of Paramount Chiefs



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
			<p>A Paramount Chief may be removed from office by the President for any gross misconduct in the performance of the functions of his office if after a public inquiry conducted under the Chairmanship of a Judge of the High Court or a justice of the Appeal Court or a Justice of the Supreme Court, the Commission of inquiry makes an a adverse finding against the Paramount Chief, and the President is of the opinion that it is in the public interest that the Paramount Chief should be removed.</p>
<p><b>CHAPTER VI-THE LEGISLATURE</b></p>	<p><b>PART I – COMPOSITION OF PARLIAMENT</b></p>		





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Establishment of Parliament	73(1)	There shall be a legislature of Sierra Leone which shall be known as Parliament, and shall consist of the President, the Speaker and Members of Parliament.	Section 73 (1) of the 1991 Constitution reads: There shall be a legislature of Sierra Leone which shall be known as Parliament, and shall consist of the President, the Speaker and Members of Parliament.
			<b>Proposed amendment:</b>
			There shall be a Parliament consisting of:
	(i)		Senate.
	(ii)		The House of Representatives (whose members shall be referred to as Members of Parliament) and
	(iii)		The Speaker.
			RATIONALE: to accommodate the Senate as a component part of the legislature in line with other Republican constitutions.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			The Commission also recommended the addition of a new Section 73 which shall now read; Local Government, through democratically elected Local Councils is hereby recognised and established. Its composition, functions and administration shall be determined from time to time by Parliament.
	73(2)	Subject to the provisions of this Constitution, the legislative power of Sierra Leone is vested in Parliament.	
	73(3)	Parliament may make laws for the peace, security, order and good government of Sierra Leone.	
Members of Parliament	74(1)	Members of Parliament shall comprise the following—	81. Section 74 (1) of the 1991 Constitution reads: Members of Parliament shall comprise the following:



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	A	One Member of Parliament 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	One Member of Parliament 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 person who, under any law, are for the time being Paramount Chiefs;
	B	Such number of Members as Parliament may prescribe who, subject to the provisions of this Constitution, shall be elected in such manner as may be prescribed by or under any law.	Such number of Members as Parliament may prescribe who, subject to the provisions of this Constitution, shall be elected in such manner as may be prescribed by or under any law.
			<b>Proposed amendment:</b>
			Members of the House of Representatives shall consist entirely of members elected by popular ballot.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	74(2)	Subject to the provisions of this Constitution, the legislative power of Sierra Leone is vested in Parliament.	
	74(3)	In any election of Members of Parliament the votes of the electors shall be given by ballot in such manner as not to disclose how any particular elector votes.	
	74(4)	Members of Parliament shall be entitled to such salaries, allowances, gratuities, pensions and such other benefits as may be prescribed by Parliament.	
Qualifications for membership in Parliament	75	Subject to the provisions of section 76, any person who—	Section 75 of the 1991 Constitution reads: Subject to the provisions of Section 76, any person who (a) is a citizen of Sierra Leone (otherwise than by naturalisation);





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
			<b>Proposed amendment:</b>
			By the deletion of the words in bracket "otherwise than by naturalisation"
			The proviso to Section 75 of the 1991 Constitution reads: 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.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			The proviso to Section 75 was amended by deletion.
	A	Is a citizen of Sierra Leone (otherwise than by naturalization); and	
	B	Has attained the age of twenty-one years; and	Section 75 (b) of the 1991 Constitution reads: (b) Any person who has attained the age of twenty-one years; and
			Proposed amendment:
			By the deletion of "twenty-one" to be replaced by "eighteen"



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	Is an elector whose name is on a register of electors under the Franchise and Electoral Registration Act, 1961, or under any Act of Parliament amending or replacing that Act; and	Section 75 (c) of the 1991 Constitution reads: (c) is an elector whose name is on a register of electors under the Franchise and Electoral Registration act, 1961, or under any Act of Parliament amending or replacing that Act.
			<b>Proposed amendment:</b>
			By the deletion of Section 75 (c)



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	<p>Is able to speak and 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:</p> <p>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.</p>	
Disqualifications for membership of Parliament.	76(1)	No person shall be qualified for election as a Member of Parliament—	Section 76 (1) of the 1991 Constitution reads: (1) No person shall be qualified for election as a Member of Parliament –





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	If he is a naturalised citizen of Sierra Leone or 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	If he is a naturalized citizen of Sierra Leone or 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, or a member of the Armed Forces of the Republic, or a public officer, or an employee of a Public Corporation established by an Act of Parliament, or has been such a member, officer or employee within twelve months prior to the date on which he seeks to be elected to Parliament; or	If he is a member of any Commission established under this Constitution, or a member of the Armed Forces of the Republic, or a public officer, or an employee of a Public Corporation established by an act of Parliament, or has been such a member, officer or employee within twelve months prior to the date on which he seeks to be elected to Parliament; or



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	C	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	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
	D	If he has been convicted and sentenced for an offence which involves fraud or dishonesty; or	If he has been convicted and sentenced for an offence which involves fraud or dishonesty; or
	E	If he is under a sentence of death imposed on him by any court; or	If he is under a sentence of death imposed on him by any court; or
	F	If in the case of the election of such member as is referred to in paragraph (b) of subsection (1) of section 74, he is for the time being a Paramount Chief under any law; or	If in the case of the election of such member as is referred to in paragraph (b) of subsection (1) of Section 64, he is for the time being a Paramount Chief under any law: or



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	G	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 in pursuance of section 87; or	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 in pursuance of section 87; or
	H	If he is for the time being the President, the Vice-President, a Minister or a Deputy Minister under the provisions of this Constitution.	If he is for the time being the President, the Vice President, a Minister or a Deputy Minister under the provisions of this Constitution.
			<b>Proposed amendment:</b>
			By repealing Section 76 (1) (a), (d), (e), (f), (g) and (h).Section 76 (1) (b)



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
			By the deletion of "twelve" to be replaced by "three."
	76(2)	A person shall not be qualified for election to Parliament if he is convicted by any court of any offence connected with the election of Members of Parliament: Provided that in any such case the period of disqualification shall not exceed a period of five years from the date of the general election following the one for which he was disqualified.	
	76(3)	Any 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 voters for the purposes of such an election shall not be qualified for election to Parliament.	





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	76(4)	<p>A person shall not be disqualified for election as a Member of Parliament under paragraph (b) of subsection (1) by reason only that he holds the office of 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.</p>	<p>Section 76 (4) of the 1991 Constitution reads: A person shall not be disqualified for election as a Member of Parliament under paragraph (b) of subsection (1) by reason only that he holds the office of 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.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			The Commission recommended the re-drafting of Section 76 (4) in line with the provisions of the Local Government Act.
	76(5)	Save as otherwise provided by Parliament, a person shall not be disqualified from being a Member of Parliament by reason only that he holds office as a member of a Statutory Corporation.	
<b>Tenure of Members of Parliament</b>	77(1)	A Member of Parliament shall vacate his seat in Parliament—	
	A	On the dissolution of Parliament next following his election; or	
	B	If he is elected Speaker of Parliament; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	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 section 76; or	
	D	If he ceases to be a citizen of Sierra Leone; 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 subsection (1) of section 74, he becomes a Paramount Chief under any law; or	
	G	If he ceases to be qualified under any law to be registered as an elector for election of Members to Parliament; or	
	H	If he is adjudged to be a lunatic or declared to be of unsound mind or sentenced to death; or	
	I	If he is adjudged or otherwise declared a bankrupt under any law and has not been discharged; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	J	If he resigns from office as a Member of Parliament by writing under his hand addressed to the Speaker, or if the Office of Speaker is vacant or the Speaker is absent from Sierra Leone, to the Deputy Speaker; or	
	K	If he ceases to be a member of the political party of which he was a member at the time of his election to Parliament and he so informs the Speaker, or the Speaker is so informed by the Leader of that political party; or	Section 77 (1) (k) of the 1991 Constitution reads: A Member of Parliament shall vacate his seat in Parliament if he ceases to be a member of the political party of which he was a member at the time of his election to parliament and he so informs the Speaker, or the Speaker is so informed by the Leader of that political party.
			<b>Proposed amendment:</b>





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			By the inclusion of the word “voluntarily” between the words “he” and “ceases”.
	L	If by his conduct in Parliament by sitting and voting with members of a different party, the Speaker is satisfied after consultation with the Leader of that Member's party that the Member is no longer a member of the political party under whose symbol he was elected to Parliament; or	Section 77 (1) (L) of the 1991 Constitution reads: A Member of Parliament shall vacate his seat in Parliament if by his conduct in Parliament by sitting and voting with members of a different party, the Speaker is satisfied after consultation with the Leader of that Member's party that the Member is no longer a member of the political party under whose symbol he was elected to Parliament.
			<b>Proposed amendment:</b> Repeal Section 77 (1) (L)



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	M	If, being elected to Parliament as an independent candidate, he joins a political party in Parliament; or	
	N	if he accepts office as Ambassador or High Commissioner for Sierra Leone or any position with an International or Regional Organization.	Section 77(1) (n) of the 1991 Constitution reads: A Member of Parliament shall vacate his seat in Parliament if he accepts office as Ambassador or High Commissioner for Sierra Leone or any position with an international or Regional Organization.
			<b>Proposed amendment:</b>
			By the deletion of the word "position" to be replaced by the word "employment".



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	77(2)	Any member of Parliament who has been adjudged to be a lunatic, declared to be of unsound mind, or sentenced to death or imprisonment, may appeal against the decision in accordance with any law provided that the decision shall not have effect until the matter has been finally determined.	Section 77 (2) of the 1991 Constitution reads: Any Member of Parliament who has been adjudged to be a lunatic, declared to be of unsound mind, or sentenced to death or imprisonment, may appeal against the decision in accordance with any law provided that the decision shall not have effect until the matter has been finally determined.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			Any member of Parliament who has been adjudged to be a lunatic, declared to be of unsound mind, or sentenced to death or imprisonment, or declared a bankrupt under any law and has not been discharged, may appeal against the decision in accordance with any law provided that the decision shall not have effect until the matter has been finally determined.
Determination of question as to membership of Parliament.	78(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	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	The seat of a Member of Parliament has become vacant.	
	78(2)	The High Court to which any question is brought under subsection (1) shall determine the said question and give judgement thereon within four months after the commencement of the proceedings before that Court.	
	78(3)	An appeal shall lie to the Court of Appeal from the decision of the High Court on any matter determined pursuant to subsection (1), save that no appeal shall lie in respect of any interlocutory decisions of the High Court in such proceedings.	
	78(4)	The Court of Appeal before which an appeal is brought pursuant to subsection (3) shall determine the appeal and give judgement thereon within four months after the appeal was filed.	
	78(5)	The decision of the Court of Appeal on any matter pursuant to subsection (3) shall be final and not be inquired into by any Court.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	78(6)	For the purpose of this section Parliament may make provision, or may authorise the making of provisions with respect to the practice and procedure of the High Court or the Court of Appeal, and may confer upon such Courts 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 effectively to exercise the jurisdiction conferred upon them by this section or the purpose of enabling the said Courts effectively to exercise the jurisdiction conferred upon them by this section or by any law relating to the hearing of appeals from the High Court.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
The Speaker.	79(1)	The Speaker of Parliament shall be elected by the Members of Parliament from among persons who are Members of Parliament or are qualified to be elected as such and who are qualified to be appointed Judges of the Superior Court of Judicature or have held such office: Provided that a person shall be eligible for election as Speaker of Parliament notwithstanding that such person is a Public Officer or a Judge of the High Court, a Justice of the Court of Appeal or a Justice of the Supreme Court, and such person, if elected, shall retire from the Public Service on the day of his election with full benefits.	Section 79 (1) of the 1991 Constitution reads: The Speaker of Parliament shall be elected by the Members of Parliament from among person who are Members of Parliament or are qualified to be appointed Judges of the Superior Court of Judicature or have held such office: Provided that a person shall be eligible for election as Speaker of Parliament notwithstanding that such person is a Public Officer or a Judge of the High Court, a Justice of the Court of Appeal or a Justice of the Supreme Court, and such person, if elected, shall retire from the Public Service on the day of his election with full benefits.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			The Speaker of the House of Representatives shall be elected from among:
	A		Persons who are Members of the House of Representatives, or
	B		Persons who are qualified to be elected as such, and





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C		<p>Who are qualified to be appointed Judge of the Superior Court of Judicature or have held such office.</p> <p>Provided that a person shall be eligible for election as Speaker of the House of Representatives notwithstanding that such person is a Public Officer or a Judge of the High Court, a Justice of the Court of Appeal or a Justice of the Supreme Court, and such person, if elected, shall retire from the Public Service on the day of his election with full benefits.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	79(2)	<p>The Speaker shall be elected by a resolution in favour of which there are cast the votes of not less than two-thirds of the Members of Parliament:</p> <p style="text-align: right;">Provided</p> <p>that if three successive resolutions proposing the election of a Speaker fail to receive the votes of two-thirds of the Members of Parliament, the Speaker shall be elected by a resolution passed by a simple majority of all the Members of Parliament.</p>	<p>Section 79 (2) of the 1991 Constitution reads: The Speaker shall be elected by a resolution in favour of which there are cast the votes of not less than two-thirds of 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 the Members of Parliament, the Speaker shall be elected by a resolution passed by a simple majority of all the Members of Parliament.</p>
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			Whenever the word “not less than two-thirds of the Members of Parliament” is needed for a parliamentary resolution to be approved, it should read: “not less than two-thirds of all the Members of Parliament”.
	79(3)	No person shall be elected as speaker—	
	A	If he is a member of the Armed Forces; or	
	B	If he is a Minister or a Deputy Minister.	
	79(4)	The Speaker shall vacate his office—	
	A	If he becomes a Minister or a Deputy Minister; or	
	B	If any circumstances arise that, if he were not the Speaker, would disqualify him from election as Speaker; or	
	C	When Parliament first meets after any dissolution; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	If he is removed from office by a resolution of Parliament supported by the votes of not less than two-thirds of the Members of Parliament.	Section 79 (4) (d) of the 1991 Constitution reads: The Speaker shall vacate his office if he is removed from office by a resolution of Parliament supported by the votes of not less than two-thirds of the Members of Parliament.
			<b>Proposed amendment:</b>
			As in Section 79 (2)
	79(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.	
	79(6)	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 as set out in the Third Schedule in this Constitution.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	79(7)	The Speaker, or in his absence the Deputy Speaker, shall preside over all sittings of Parliament, except when the President is present.	
<b>Deputy Speaker.</b>	80(1)	There shall be a Deputy Speaker who shall be elected by the Members of Parliament.	
	80(2)	No person shall be elected as Deputy Speaker unless he is a Member of Parliament.	
	80(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; or	
	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.	
	80(4)	The Deputy Speaker shall vacate his office—	
	A	If he ceases to be a Member of Parliament; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	If he is removed from office by a resolution of Parliament	
	80(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.	
<b>Election of Speaker and Deputy Speaker</b>	81	On any resolution for the election or removal 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.	
<b>Clerk of Parliament.</b>	82(1)	81. There shall be a Clerk of Parliament who shall be appointed by the President acting in consultation with the Public Service Commission, and shall be responsible for the administration of Parliament.	
	82(2)	The office of the Clerk of Parliament and the offices of the members of his staff shall be public offices.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Oath to be taken by Members of Parliament.	83	Every Member of Parliament shall, before taking his seat in Parliament, take and subscribe before Parliament the oath as set out in the Third Schedule, but a Member may, before taking that oath, take part in the election of a Speaker	
<b>PART II — SUMMONING, PROROGATION AND DISSOLUTION</b>			
Sessions of Parliament	84(1)	Each session in Parliament shall be held at such place within Sierra Leone and shall commence at such time as the President may be Proclamation appoint.	
	84(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:	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		Provided that there shall be a session of Parliament not later than twenty-eight days from the holding of a general election of Members of Parliament.	
	84(3)	The President shall at the beginning of each session of Parliament present to Parliament an address on the state of the nation.	
<b>Life of Parliament.</b>	85(1)	Parliament shall stand dissolved at the expiration of a period of five years commencing from the date of its first sitting after a general election	
	85(2)	If there is in existence a state of public emergency in accordance with section 29 of this Constitution and the President considers it not practicable to hold elections, Parliament may, by resolution, extend the period of five years mentioned in subsection (1) from time to time but not beyond a period of six months at any one time.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Sittings of Parliament.	86(1)	The President may at any time summon a meeting of Parliament.	
	86(2)	Notwithstanding the provision of subsection (1), at least twenty per centum of all the Members of Parliament may request a meeting of Parliament and the Speaker shall, within fourteen days after the receipt of that request, summon a meeting of Parliament.	
	86(3)	Subject to the provisions of subsection (1) and of Sections 29 and 84 of this Constitution, 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.	
	86(4)	Parliament shall sit for a period of not less than one hundred and twenty days in each year.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
General Elections.	87(1)	A general election of the Members of Parliament shall be held not earlier than thirty days and not later than ninety days after any dissolution of Parliament:	
		Provided that nominations for such elections shall in no case be closed within fourteen days after dissolution.	
	A	The Parliament shall meet at such date, not later than fourteen days after the date of the Proclamation, as may be specified therein;	
	B	The President shall, subject to the provisions of subsection (16) of section 29, cause to be introduced in Parliament as soon as it meets, a resolution declaring that a state of Public Emergency exists and subject as aforesaid, no other business shall be transacted in Parliament until that resolution has been passed or defeated;	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	C	<p>If the resolution is passed by Parliament with the support of the votes of not less than two-thirds of the Members thereof, a general election shall be held on the last day of the period of six months beginning with the date of the original dissolution of the Parliament which has been recalled or such earlier date as the President 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 nomination of candidates in that general election, and unless previously dissolved, shall then stand dissolved;</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	If the resolution is defeated or is passed with the support of the votes of less than two-thirds of 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 the Parliament was so recalled or such earlier date as the President may by Proclamation appoint.	
	87(3)	When Parliament is recalled under this section after having been dissolved—	
	A	The session of that Parliament held next before that dissolution; and	
	B	The session or sessions of that Parliament held between the date of its first sitting and of the next dissolution thereafter, shall be deemed together to form one session.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		<b>PART III PROCEDURES OF PARLIAMENT</b>	
<b>Presiding in Parliament</b>	88	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 as may be elected for that purpose:	
		Provided that when the President addresses Parliament or attends in person, the Speaker shall leave his chair and no other person shall preside during such address or attendance.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Quorum in Parliament.	89	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 the person presiding shall be so satisfied he shall thereupon adjourn Parliament.	
Use of English in Parliament.	90	The business of Parliament shall be conducted in the English Language.	
Voting in Parliament.	91(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.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	91(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 discussion in Parliament shall be deemed to be rejected.	
	91(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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Unqualified persons sitting or voting.	92	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 one thousand leones or such other sum as may be prescribed by Parliament for each day in 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 and Minister of Justice.	
Committees of Parliament.	93(1)	At the beginning of each session of Parliament, but in any case not later than twenty-one days thereafter, there shall be appointed from among its members the following Standing Committees, that is to say—	
	A	The Legislative Committee;	
	B	The Finance Committee;	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	The Committee on Appointments and Public Service;	Section 93 (1) (c) of the 1991 Constitution reads: At the beginning of each session of Parliament, but in any case not later than twenty-one days thereafter, there shall be appointed from among its members the following Standing Committees, that is to say – the Committee on Appointments and Public Service.
			<b>Proposed amendment:</b>
			By the inclusion of the word “Joint” between the words “the” and “Committee”.
	D	The Foreign Affairs and International Co-operation Committee;	
	E	The Public Accounts Committee;	
	F	The Committee of Privileges;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	G	The Standing Orders Committee;	
	H	Such other Committees of Parliament as the rules of procedure of Parliament shall provide.	
	93(2)	In addition to the Committees referred to in subsection (1), Parliament shall appoint other Committees which shall perform the functions specified in subsection (3).	
	93(3)	It shall be the duty of any such Committee as is referred to in subsection (2) to investigate or inquire into the activities or administration of such Ministries or Departments as may be assigned to it, and such investigation or inquiry may extend to proposals for legislation.	
	93(4)	Notwithstanding anything contained in subsections (1) and (2), Parliament may at any time appoint any other Committee to investigate any matter of public importance.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	93(5)	The composition of each of the Committees appointed under subsections (1), (2) and (4) shall, as much as possible, reflect the strength of the political parties and Independent Members in Parliament.	
	93(6)	For the purposes of effectively performing its functions, each of the Committees shall have all such powers, rights and privileges as are vested in the High Court at a trial in respect of—	
	A	Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;	
	B	Compelling the production of documents; and	
	C	The issue of a commission or request to examine witnesses abroad.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Regulation of Procedure in Parliament.	94(1)	Subject to the provisions of this Constitution, Parliament may regulate its own procedure, and may in particular make, amend and revoke Standing Orders for the orderly conduct of its own proceedings.	
	94(2)	Notwithstanding anything to the contrary in this Constitution or in any other law contained, no decision, order or direction of Parliament or any of its Committees 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 by the Speaker under any rules of procedure, shall be inquired into by any court.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	94(3)	Parliament may act notwithstanding any vacancy in its membership (including any vacancy not filled when 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.	
	94(4)	Parliament may, for the purpose of the orderly and effective discharge of its business, make provision for the powers, privileges and immunities of Parliament, its Committees and the Members thereof.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Contempt of Parliament.	95	Any act or omission which obstructs or impedes Parliament in the performance of its functions, or which obstructs or impedes any Member or officer thereof in the discharge of his duties or affronts the dignity of Parliament, or which tends either directly or indirectly to produce such a result shall be a contempt of Parliament.	
Criminal Proceedings	96	Where an act or omission which constitutes contempt of Parliament is an offence under the criminal law, the exercise by Parliament of the power to punish for contempt shall not be a bar to the institution of proceedings under the criminal law.	
<b>PART IV — RESPONSIBILITIES, PRIVILEGES AND IMMUNITIES</b>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Responsibilities of Members of Parliament.	97	The responsibilities of the Members of Parliament shall include the following—	
	A	All members of Parliament shall maintain the dignity and image of Parliament both during the sittings in Parliament as well as in their acts and activities outside Parliament.	
	B	All Members of Parliament shall regard themselves as representatives of the people of Sierra Leone and desist from any conduct by which they seek improperly to enrich themselves or alienate themselves from the people.	
	C		Section 97 (c) of the 1991 Constitution reads: The responsibilities of the Members of Parliament shall include the following –



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(a)		All members of Parliament shall maintain the dignity and image of Parliament both during the sittings in Parliament as well as in their acts and activities outside Parliament;
	(b)		All members of Parliament shall regard themselves as representatives of the people of Sierra Leone and desist from any conduct by which they seek improperly to enrich themselves or alienate themselves from the people.
			<b>Proposed amendment:</b>
			To be formulated by the draftsman, restricting sitting Members of Parliament, as well as companies run for their benefit, from bidding for award of Government contracts.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Freedom of Speech and Debate.	98	There shall be freedom of speech, debate and proceedings in Parliament and that freedom shall not be impeached or questioned in any court or place out of Parliament.	
Parliamentary privilege.	99(1)	Subject to the provisions of this section, but without prejudice to the generality of section 97, no civil or criminal proceedings shall be instituted against a Member of Parliament in any court or place out of Parliament by reason of anything said by him in Parliament.	
	99(2)	Whenever in the opinion of the person presiding in Parliament a statement made by a Member is prima facie defamatory of any person, the person presiding shall refer the matter for inquiry to the Committee of Privileges which shall report its findings to Parliament not later than thirty days of the matter being so referred.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	99(3)	Where the Committee of Privileges reports to Parliament that the statement made by the Member is defamatory of any person, the Member who made the statement shall, within seven days of that report, render an apology at the bar of Parliament, the terms of which shall be approved by the Committee of Privileges and communicated to the person who has been defamed.	
	99(4)	Where a Member refuses to render an apology pursuant to the provisions of subsection (3), the Speaker shall suspend that Member for the duration of the session of Parliament in which the defamatory statement was made and a Member so suspended shall lose his Parliamentary privileges, immunities and remuneration which shall be restored to him if at any time before the end of the session he renders the apology as required under the provisions of subsection (3).	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	99(5)	Any person who may have made a contemporaneous report of the proceedings in Parliament including a statement which has been the subject of an inquiry pursuant to the provisions of subsection (2) shall publish the apology referred to in subsection (3) or the suspension or the apology referred to in subsection (4) with the same prominence as he published the first report; and if any such person fails to publish that apology he shall not be protected by privilege.	
Immunity from service of process and arrest.	100	No civil or criminal process issuing from any court or place out of Parliament shall be served on or executed in relation to the Speaker or a Member or the Clerk of Parliament while he is on his way to attending or returning from any proceedings of Parliament.	Section 100 of the 1991 Constitution reads: No civil or criminal process issuing from any court or place out of Parliament shall be served on or executed in relation to the Speaker or a Member or the Clerk of Parliament while he is on his way to attending or returning from any proceedings of Parliament.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			No civil or criminal process issuing from any court or place out of Parliament shall be served on or executed in relation to the Speaker or a Member or the Clerk of Parliament or Minister of Government or Deputy Minister while he is at work or on his way to attending or returning from any proceedings of Parliament or Ministerial Office.
<b>Immunity from witness summons.</b>	101(1)	Neither the Speaker nor any Member of, nor the Clerk of Parliament shall be compelled, while attending Parliament, to appear as a witness in any court or place out of Parliament.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	101(2)	The certificate of the Speaker that a Member or the Clerk is attending the proceedings of Parliament shall be conclusive evidence of attendance at Parliament.	
<b>Immunity from serving as juryman.</b>	102	Neither the Speaker nor any Member of, nor the Clerk of Parliament shall be required to serve on a jury in any court or place out of Parliament.	
<b>Immunity for publication of proceedings.</b>	103	Subject to the provisions of this Constitution, no person shall be under any civil or criminal liability in respect of the publication of—	
	A	The text or a summary of any report, papers, minutes, votes or proceedings of Parliament; or	
	B	A contemporaneous report of the proceedings of Parliament,	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		Unless it is shown that the publication was effected maliciously or otherwise in want of good faith.	
Privileges of witnesses.	104(1)	Every person summoned to attend to give evidence or to produce any paper, book, record or other document before Parliament shall be entitled, in respect of his evidence, or the production of such document, to the same privileges as if he were appearing before a Court.	
	104(2)	No public officer shall be required to produce before Parliament any document if the Speaker certifies that—	
	A	The document belongs to a class of documents which will be injurious to the public interest or prejudicial to the security of the State to produce; or	
	B	Disclosure of the contents thereof will be injurious to the public interest or prejudicial to the security of the State.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	104(3)	Where there is a doubt as to whether any document as is referred to in subsection (2) is injurious to the public interest or prejudicial to the security of the State, the Speaker shall refer the matter to the Supreme Court to determine whether the production or the disclosure of the contents of any such document would be injurious to the public interest or prejudicial to the security of the State.	
	104(4)	An answer by a person to a question put by Parliament shall not be admissible in evidence against him in any civil or criminal proceedings out of Parliament, not being proceedings for perjury brought under the criminal law.	
<b>PART V — EXERCISE OF LEGISLATIVE POWER</b>			
<b>Power to make laws.</b>	105	Subject to the provisions of this Constitution, Parliament shall be the supreme legislative authority for Sierra Leone.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
<b>Mode of Exercising Legislative Power.</b>	106(1)	The power of Parliament to make laws shall be exercised by Bills passed by Parliament and signed by the President.	
	106(2)	Subject to the provisions of subsection (8), a Bill shall not become law unless it has been duly passed and signed in accordance with this Constitution.	
	106(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.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	106(4)	When a Bill which has been duly passed and is signed by the President in accordance with the provisions of this Constitution it shall become law and the President shall thereupon cause it to be published in the Gazette as law.	Section 106 (4) of the 1991 Constitution reads: When a Bill has been duly passed and is signed by the President in accordance with the provisions of this Constitution it shall become law and the President shall thereupon cause it to be published in the Gazette as law.
			<b>Proposed amendment:</b>
			By the deletion of the word "President" to be replaced by the words "the clerk of Parliament"
	106(5)	No law made by Parliament shall come into operation until it has been published in the Gazette, but Parliament may postpone the coming into operation of any such law and may make laws with retroactive effect.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	106(6)	All laws made by Parliament shall be styled "Acts", and the words of enactment shall be "Enacted by the President and Members of Parliament in this present Parliament assembled."	
	106(7)	Where a Bill has been passed by Parliament but the President refuses to sign it, the President shall within fourteen days of the presentation of the Bill for his signature cause the unsigned Bill to be returned to Parliament giving reasons for his refusal.	Section 106 (7) of the 1991 Constitution reads: Where a Bill has been passed by Parliament but the President refuses to sign it, the President shall within fourteen days of the presentation of the Bill for his signature cause the unsigned Bill to be returned to Parliament giving reasons for his refusal.
			<b>Proposed amendment:</b>
			By deletion of the word "fourteen" to be replaced by the words "twenty-eight".



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	106(8)	Where a Bill is returned to Parliament pursuant to subsection (7) and that Bill is thereafter passed by the votes of not less than two-thirds of the Members of Parliament, it shall immediately become law and the Speaker shall thereupon cause it to be published in the Gazette.	Section 106 (8) of the 1991 Constitution reads: Where a Bill is returned to Parliament pursuant to subsection (7) and that Bill is thereafter passed by the votes or not less than two-thirds of the Members of Parliament, it shall immediately become law and the Speaker shall thereupon cause it to be published in the Gazette.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			Where a Bill is returned or not returned to Parliament pursuant to subsection (7) and that Bill is thereafter passed by the votes of not less than two-thirds of all the Members of Parliament, it shall immediately become law and the Speaker shall thereupon cause it to be published in the Gazette.
	106(9)	Nothing in this section or in section 53 of this Constitution shall prevent Parliament from conferring on any person or authority the power to make statutory instruments.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Minister may introduce Bill and be summoned to Parliament.	107(1)	A Minister may introduce a Bill in Parliament and take part, but without a vote, in the deliberations of Parliament on that Bill.	
	107(2)	A Minister may be summoned before Parliament or a Committee thereof—	
	A	To give an account of any matter falling within his portfolio; or	
	B	To explain any aspect of Government policy.	
Alteration of this Constitution.	108(1)	Subject to the provisions of this section, Parliament may alter this Constitution.	
	108(2)	A Bill for an Act of Parliament under this section shall not be passed by Parliament unless—	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	A	Before the first reading of the Bill in Parliament the text of the Bill is published in at least two issues of the Gazette:	
		Provided that not less than nine days shall elapse between the first publication of the Bill in the Gazette and the second publication; and	
	B	The Bill is supported on the second and third readings by the votes of not less than two-thirds of the Members of Parliament.	Section 108 (2) (b) of the 1991 Constitution reads: A Bill for an Act of Parliament under this section shall not be passed by Parliamentary unless the Bill is supported on the second and third readings by the votes of not less than two-thirds of the Members of Parliament.
			<b>Proposed amendment:</b>
			As in Section 79 (2)



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	108(3)	A Bill for an Act of Parliament enacting a new Constitution or altering any of the following provisions of this Constitution, that is to say—	
	A	This section	
	C	sections 46, 56, 72, 73, 74(2), 74(3), 84(2), 85, 87, 105, 110-119, 120, 121, 122, 123, 124, 128, 129, 131, 132, 133, 135, 136, 137, 140, 151, 156, 167,	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		<p>Shall not be submitted to the President for his assent and shall not become law unless the Bill, after it has been passed by Parliament and in the form in which it was so passed, has, in accordance with the provisions of any law in that behalf, been submitted to and been approved at a referendum.</p>	





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	108(4)	Every person who is entitled to vote in the elections of Members of Parliament shall be entitled to vote at a referendum held for the purposes of subsection (3) and no other person may so vote; and the Bill shall not be regarded as having been approved at the referendum unless it was so approved by the votes of not less than one-half of all such persons and by not less than two-thirds of all the votes validly cast at the referendum:	
		Provided that in calculating the total number of persons entitled to vote at such referendum, the names of deceased persons, of persons disqualified as electors, and of persons duplicated in the register of electors and so certified by the Electoral Commission, shall not be taken into account.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	108(5)	<p>The conduct of any referendum for the purposes of subsection (3) of this section shall be under the general supervision of the Electoral Commission and the provisions of subsections (4), (5) and (6) of section 38 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.</p>	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	108(6)	<p>A Bill for an Act of Parliament under this section shall not be submitted to the President for his signature unless it is accompanied by a certificate under the hand of the Speaker of Parliament (or, if the Speaker is for any reason unable to exercise the functions of his office, the Deputy Speaker) that the provisions of subsections (3) and (4) of this section have been complied with, and every such certificate shall be conclusive for all purposes and shall not be inquired in any court.</p>	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	108(7)	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.	
	108(8)	Any suspension, alteration, or repeal of this Constitution other than on the authority of Parliament shall be deemed to be an act of Treason.	
	108(9)	In this section—	
	A	References to this Constitution include references to any law that amends or replaces any of the provisions of this Constitution; and	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	References to the alteration of this Constitution or of any Chapter or section of this Constitution include references to the amendment, modification or re-enactment, with or without amendment or modification, of any provision for the time being contained in this Constitution or Chapter or section thereof, the suspension or repeal of any such provision, the making of different provision in lieu of such provision and the addition of new provisions to this Constitution or Chapter or section thereof, and references to the alteration of any particular provision of this Constitution shall be construed likewise.	
Residual authority of Parliament.			



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	109	Subject to the provisions of section 105 of this Constitution, where on any matter, whether arising out of this Constitution or otherwise there is no provision, expressed or by necessary implication of this Constitution which deals with the matter that has arisen, Parliament shall, by an Act of Parliament, not being inconsistent with any provision of this Constitution, provide for that matter to be dealt with.	
<b>PART VI — FINANCE</b>			
Authorisation for imposition of taxation			
	110(1)	No taxation shall be imposed or altered otherwise than by or under the authority of an Act of Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	110(2)	Where an Act enacted pursuant to subsection (1) confers a power on any person or authority to waive or vary a tax (otherwise than by reduction) imposed by that Act, the exercise of the power of waiver or variation in favour of any person or authority shall be subject to the prior approval of Parliament by resolution passed in that behalf.	
	110(3)	Parliament may make provision under which the President or a Minister may by order provide that, on or after the publication of a Bill (being a Bill approved by the President) that it is proposed to introduce into Parliament providing for the imposition or alteration of taxation, such provisions of the Bill as may be specified in the order shall, until the Bill becomes law, have the force of law for such period and subject to such conditions as may be prescribed by Parliament:	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		Provided that any such order shall, unless sooner revoked, cease to have effect—	
	A	If the Bill to which it relates is not passed within such period from the date of its first reading in Parliament as may be prescribed by Parliament; or	
	B	If, after the introduction of the Bill to which it relates, Parliament is prorogued or dissolved; or	
	C	If, after the passage of the Bill to which it relates, the President refuses his assent thereto; or	
	D	At the expiration of a period of four months from the date it came into operation or such longer period from that date as may be specified in any resolution passed by Parliament after the Bill to which it relates has been introduced.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	110(4)	Parliament may confer upon any authority established by law for the purpose of local government power to impose taxation within the area for which that authority is established and to alter taxation so imposed.	
	110(5)	Where the Appropriation Act in respect of a financial year has not come into force at the expiration of six months from the commencement of that financial year, the operation of any law relating to the collection or recovery of any tax upon any income or profits or any duty of customs or excise shall be suspended until that Act comes into force:	
		Provided that—	
	A	In any financial year in which Parliament stands dissolved at the commencement of that year the period of six months shall begin from the day upon which Parliament first sits following that dissolution instead of from the commencement of the financial year;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	The provisions of this subsection shall not apply in any financial year in which Parliament is dissolved after the laying of estimates in accordance with section 112 and before the Appropriation Bill relating to those estimates is passed by Parliament.	
<b>Consolidated Fund.</b>			
	111(1)	There shall be a Consolidated Fund into which, subject to the provisions of this section, shall be paid—	
	A	All revenues or other moneys raised or received for the purpose of, or on behalf of, the Government;	
	B	Any other moneys raised or received in trust for or on behalf of the Government; and	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	All revenues and moneys payable by or under any bilateral or multilateral agreement.	
	111(2)	The revenues or other moneys referred to in subsection (1) shall not include revenues or other moneys—	
	A	That are payable by or under an Act of Parliament into some other fund established for a specific purpose; or	
	B	That may by or under an Act of Parliament, be retained by the department of Government that received them for the purpose of defraying the expenses of that department.	
	111(3)	No moneys shall be withdrawn from the Consolidated Fund except—	
	A	To meet expenditure that is charged upon the Fund by this Constitution or by an Act of Parliament; or	
	B	Where the issue of those moneys has been authorised—	
	i	By an Appropriation Act; or	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	ii	By a Supplementary Estimate approved by a resolution of Parliament passed in that behalf; or	
	iii	By an Act of Parliament enacted pursuant to the provisions of sections 112 and 113 of this Constitution; or	
	iv	By rules or regulations made under an Act of Parliament in respect of trust moneys paid into the Consolidated Fund.	
	111(4)	No moneys shall be withdrawn from any public fund, other than the Consolidated Fund and the Contingencies Fund, unless the issues of those moneys have been authorised by or under the authority of an Act of Parliament.	
<b>Authorisation of expenditure from Consolidated Fund.</b>			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	112(1)	Subject to the provisions of section 107 of this Constitution, the Minister for the time being responsible for finance shall cause to be prepared and laid before Parliament in each financial year estimates of the revenues and expenditures of Sierra Leone for the next following financial year.	
	112(2)	The Head of the expenditure—	
	A	Of the estimates shall be included in a Bill to be known as an Appropriation Bill which shall be introduced into Parliament to provide for the issue from the Consolidated Fund of the sums of money necessary to meet that expenditure and the appropriation of those sums for the purpose specified therein; and	
	B	Of the Consolidated Fund payments shall be laid before Parliament for the information of the Members thereof.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	112(3)	Where, in respect of any financial year, it is found that the amount of moneys 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 of moneys has been appropriated by that Act, a supplementary estimate showing the sum of money required shall be laid before Parliament.	
	112(4)	Where, in respect of any financial year, a supplementary estimate has been approved by Parliament in accordance with the provisions of subsection (3), a Supplementary Appropriation Bill shall be introduced in Parliament in the financial year next following the financial year to which the estimates relate, providing for the appropriation of the sum so approved for the purposes specified in that estimate.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	112(5)	Notwithstanding the provisions of subsection (4), the Minister for the time being responsible for finance may cause to be prepared and laid before Parliament estimates of revenue and expenditure of Sierra Leone for periods of over one year.	
Authorization of Expenditure in Advance of Appropriation	112(6)	Parliament shall prescribe the procedure for the presentation of Appropriation Bills.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	113	Where it appears to the Minister responsible for finance that the Appropriation Act in respect of any financial year will not come into operation by the beginning of that financial year, he may, with the prior approval of Parliament signified in that behalf by a resolution thereof, authorise the withdrawal of moneys from the Consolidated Fund for the purposes of meeting expenditure necessary to carry on the services of the Government in respect of the period expiring four months from the beginning of the financial year or on the coming into operation of the Act, whichever is earlier.	
Withdrawal of moneys from general revenues.	114(1)	No moneys shall be expended from the general revenue of the Republic unless—	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	The expenditure is authorised by a warrant under the hand of the President; or	
	B	The expenditure is charged by this Constitution or any other law on the general revenues of the Republic; or	
	C	The expenditure is of moneys received by a department of Government and is made under the provisions of any law which authorises that department to retain and expend those moneys for defraying the expenses of the department.	
	114(2)	No warrant shall be issued by the President authorising expenditure from the general revenues of the Republic unless	
	A	The expenditure is necessary to carry on the services of the Government in respect of any period not exceeding four months beginning with the commencement of a financial year during which the Appropriation Act for that financial year is not in force; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	The expenditure has been proposed in a supplementary estimate to be approved by Parliament; or	
	C	No provision exists for the expenditure and the President considers that there is such an urgent need to incur the expenditure that it would not be in the public interest to delay the authorisation of the expenditure until such time as a supplementary estimate can be laid before and approved by Parliament; or	
	D	The expenditure is incurred on capital projects continuing from the previous financial year until the commencement of the Appropriation Act for the current financial year.	
	114(3)	The President shall, immediately after he has signed any warrant authorising expenditure from the general revenues of the Republic, cause a copy of the warrant to be transmitted to the Accountant-General.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	114(4)	The issue of warrants under paragraph (c) of subsection (2), the investment of moneys forming part of the general revenue of the Republic and making of advances from such revenues shall be subject to such limitations and conditions as Parliament may from time to time prescribe.	
Remuneration of the President and certain other officers.			
	115(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.	
	115(2)	The salaries and allowances payable to the holders of the offices to which this section applies shall be a charge on the Consolidated Fund.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	115(3)	The salary, pensions, gratuity and allowances payable to the holder of any office to which this section applies and his other terms of services 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 depends 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.	
	115(4)	This section applies to the officers of the President, Vice-President, Attorney-General and Minister of Justice, Ministers, Deputy Ministers, the Chief Justice, a Justice of the Supreme Court, a Justice of Appeal, a Judge of the High Court, the Director of Public Prosecutions, the Chairman and Members of the Electoral Commission, the Chairman and Members of the Public Service Commission, and the Auditor-General.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Contingencies Fund.			
	116(1)	Parliament may provide for the establishment of the Contingencies Fund and for authorising 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 advance from the Fund to meet that need.	
	116(2)	Where any advance is made in accordance with subsection (1), a Supplementary Estimate shall be presented and a Supplementary Appropriation bill shall be introduced into Parliament as soon as possible for the purpose of replacing the amount so advanced.	
Public debt.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	117(1)	The public debt of Sierra Leone shall be secured on the revenues and assets of Sierra Leone.	
	117(2)	In this section reference to the public debt of Sierra Leone includes reference 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.	
<b>Loans.</b>			
	118(1)	Parliament may by a resolution passed in that behalf and supported by the votes of a majority of all the Members of Parliament, authorise the Government to enter into an agreement for the granting of a loan out of any public fund or public account.	
	118(2)	An agreement entered pursuant to subsection (1) shall be laid before Parliament and shall not come into operation unless the same has been approved by a resolution of Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	118(3)	(2) No loan shall be raised by the Government on behalf of itself or any other public institution or authority otherwise than by or under the authority of an Act of Parliament.	
	118(4)	An Act of Parliament enacted in accordance with subsection (3) shall provide—	
	A	That the terms and conditions of a loan shall be laid before Parliament and shall not come into operation unless it has been approved by a resolution of Parliament; and	
	B	That any moneys received in respect of that loan shall be paid into the Consolidated Fund and form part thereof or into some other Public Fund of Sierra Leone either existing or created for the purposes of the loan.	
	118(5)	For the purposes of this section, the expression "loan" includes any moneys lent or given to or by the Government on condition of return or repayment and any other form of borrowing or lending in respect of which—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	Moneys from the Consolidated Fund or any other Public Fund may be used for payment or repayment; or	
	B	Moneys from any fund by whatever name called established for the purposes of payment or repayment whether in whole or in part and whether directly or indirectly may be used for payment or repayment.	
	118(6)	The provisions of subsections (1), (2), (3), (4) and (5) shall also apply to any agreement for a loan entered into by the Government in respect of the natural resources of Sierra Leone, such as mineral, marine, forest and such other resources.	
	118(7)	Parliament shall be notified by the appropriate Minister or authority of all gifts, donations, grants and pledges made to the State of Sierra Leone.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Establishment of office and functions of Auditor-General.			
	119(1)	There shall be an Auditor-General for Sierra Leone whose office shall be a public office, and who shall be appointed by the President after consultation with the Public Service Commission, and subject to the approval of Parliament.	Section 119 (1) of the 1991 Constitution reads: There shall be an Auditor-General for Sierra Leone whose office shall be a public office, and who shall be appointed by the President after consultation with the Public Service Commission and subject to the approval of Parliament. .



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			There shall be an Auditor-General for Sierra Leone whose office shall be a public office, and who shall be appointed by the President after consultation with the Civil Service Commission and the Audit Service Commission, and subject to the approval of Parliament



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	119(2)	The public accounts of Sierra Leone and all public offices, including the Courts, the accounts of the central and local government administrations, of the Universities and public institutions of like nature, any statutory corporation, company or other body or organisation established by an Act of Parliament or statutory instrument or otherwise set up partly or wholly out of Public Funds, shall be audited and reported on by or on behalf of the Auditor-General, and for that purpose the Auditor-General shall have access to all books, records, returns and other documents relating or relevant to those accounts.	
	119(3)	The public accounts of Sierra Leone and of all other persons or authorities referred to in subsection (2) shall be kept in such form as the Auditor-General shall approve.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	119(4)	The Auditor-General shall, within twelve months of the end of the immediately preceding financial year, submit his report to Parliament and shall in that report draw attention to any irregularities in the accounts audited and to any other matter which in his opinion ought to be brought to the notice of Parliament.	
	119(5)	Parliament shall debate the report of the Auditor-General and appoint where necessary in the public interest a committee to deal with any matters arising therefrom.	
	119((6)	In the exercise of his functions under this Constitution or any other law, the Auditor-General shall not be subject to the direction or control of any person or authority.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	119(7)	The provisions of subsection (6) shall not preclude the President, acting in accordance with the advice of Cabinet, or Parliament from requesting the Auditor-General in the public interest to audit at any particular time, the accounts of any body or organisation as is referred to in subsection (2).	
	119(8)	The salary and allowances payable to the Auditor-General, his rights in respect of leave of absence, retiring age and other conditions of service, shall not be varied to his disadvantage after his appointment.	
	119(9)	The provisions of section 137 of this Constitution, relating to the removal of a Judge of the Superior Court of Judicature, other than the Chief Justice, from office, shall apply to the Auditor-General.	
	119(10)	The Auditor-General shall retire from office on attaining the age of sixty-five years or such age as may be prescribed by Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	119(11)	The administrative expenses of the office of the Auditor-General including all salaries, allowances, gratuities and pensions payable to or in respect of persons serving in the Audit Service shall be a charge upon the Consolidated Fund.	
	119(12)	The accounts of the office of the Auditor-General shall be audited and reported upon by an auditor appointed by Parliament.	
	119(13)	Any person appointed to be the Auditor-General of Sierra Leone shall, before entering upon the duties of his office, take and subscribe the oath as set out in the Third Schedule to this Constitution.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	119(14)	Whenever the office of the Auditor-General is vacant or the holder of the office is for any reason unable to perform the functions of his office, the President may, in consultation with the Public Service Commission, appoint a person to act in the office and any person so appointed shall, subject to the provisions of the section relating to the removal of the Auditor-General, continue to act until his appointment is revoked by the President.	Section 119 (14) of the 1991 Constitution reads: Whenever the office of the Auditor-General is vacant or the holder of the office is for any reason unable to perform the functions of his office, the President may, in consultation with the Public Service Commission, appoint a person to act in the office and any person so appointed shall, subject to the provisions of the section relating to the removal of the Auditor-General, continue to act until his appointment is revoked by the President
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			.By the deletion of the words “Public Service Commission” to be replaced by the words “Civil Service Commission and the Audit Service Commission”.
CHAPTER VII – THE JUDICIARY			
Establishment of the Judiciary.	<b>PART I – THE SUPERIOR COURT OF JUDICATURE</b>		
	120(1)	The Judicial power of Sierra Leone shall be vested in the Judiciary of which the Chief Justice shall be the Head.	Section 120 (1) of the 1991 Constitution reads: The Judicial power of Sierra Leone shall be vested in the Judiciary of which the Chief Justice shall be the Head.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			The Judicial power of Sierra Leone shall be vested in the Judiciary of which the Chief Justice shall be the Head and shall be responsible for the administration and supervision thereof.
	120(2)	The Judiciary shall have jurisdiction in all matters civil and criminal including matters relating to this Constitution, and such other matters in respect of which Parliament may by or under an Act of Parliament confer jurisdiction on the Judiciary.	
	120(3)	In the exercise of its judicial functions, the Judiciary shall be subject to only this Constitution or any other law, and shall not be subject to the control or direction of any other person or authority.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	120(4)	The Judicature shall consist of the Supreme Court of Sierra Leone, the Court of Appeal and the High Court of Justice which shall be the superior courts of record of Sierra Leone and which shall constitute one Superior Court of Judicature, and such other inferior and traditional courts as Parliament may by law establish.	
	120(5)	The Superior Court of Judicature shall have the power to commit for contempt to themselves and all such powers as were vested in a court of record immediately before the coming into force of this Constitution.	
	120(6)	Save as may be otherwise ordered by a Court in the interests of public morality, public safety or public order, all proceedings of every Court, including the announcement of the decision of the court, shall be held in public.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	120(7)	Nothing contained in subsection (6) shall prevent a court from excluding from its proceedings persons, other than the parties thereto and their counsel, to such an extent as the Court may consider necessary or expedient—	
	A	In circumstances where publicity would prejudice the interests of justice or any interlocutory proceedings; or	
	B	In the interests of defence, public safety, public morality, the welfare of minors or the protection of the private lives of persons concerned in the proceedings.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	120(8)	In the exercise of the Judicial power conferred upon the Judiciary by this Constitution or any other law, the Superior Court of Judicature shall have power, in relation to any matter within its jurisdiction, to issue such orders as may be necessary to ensure the enforcement of any judgement, decree or order of the Court.	
	120(9)	A Judge of the Superior Court of Judicature shall not be liable to any action or suit for any matter or thing done by him in the performance of his judicial functions.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	120(10)	The Judges of the High Court shall be entitled to sit as Justices of Appeal, and the Justices of Appeal shall be entitled to sit as Justices of the Supreme Court whenever so requested by the Chief Justice.	
	120(11)	Notwithstanding the provisions of the preceding subsections, any Justice of Appeal may, on the request of the Chief Justice, sit and act as a Judge of the High Court.	
	120(12)	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.	
	120(13)	The provisions of subsections (11) and (12) shall apply mutatis mutandis to a Justice of the Supreme Court sitting as a Justice of Appeal.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	120(14)	Neither the Chief Justice nor any Justice of the Supreme Court or of the Court of Appeal or a Judge of the High Court may take any part in the hearing of any appeal from his own judgement or the judgement of a panel of judges of which he was a member.	
	120(15)	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.	
	120(16)	Every Court established under this Constitution shall deliver its decision in writing not later than three months after the conclusion of the evidence and final addresses or arguments of appeal, and furnish all parties to the cause or matter determine with duly authenticated copies of the decision on the date of the delivery thereof.	
<b>PART II — THE SUPREME COURT</b>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Composition of the Supreme Court.			
	121(1)	The Supreme Court shall consist of—	
	A	The Chief Justice;	
	B	Not less than four other Justices of the Supreme Court; and	Sections 121 (1) (b) in the 1991 Constitution reads: The Supreme Court shall consist of not less than four other Justices of the Supreme Court.
			<b>Proposed amendment:</b>
			Section 121 (b) By the deletion of the word “four” to be replaced by the word “seven”.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	Such other Justices of the Superior Court of Judicature or of Superior Courts in any State practising a body of law similar to Sierra Leone, not being more in number than the number of Justices of the Supreme Court sitting as such, as the Chief Justice may, for the determination of any particular cause or matter by writing under his hand, request to sit in the Supreme Court for such period as the Chief Justice may specify or until the request is withdrawn.	
	121(2)	The Supreme Court shall, save as otherwise provided in paragraph (a) of subsection (6) of section 28 and section 126 of this Constitution, be duly constituted for the despatch of its business by not less than three Justices thereof.	
	121(3)	The Chief Justice shall preside at the sittings of the Supreme Court and in his absence the most senior of the Justices of the Supreme Court as constituted for the time being shall preside.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Jurisdiction of the Supreme Court.			
	122(1)	<p>The Supreme Court shall be the final court of appeal in and for Sierra Leone and shall have such appellate and other jurisdiction as may be conferred upon it by this Constitution or any other law: Provided that notwithstanding any law to the contrary, the President may refer any Petition in which he has to give a final decision to the Supreme Court for a judicial opinion.</p>	<p>Section 122 (1) of the 1991 Constitution reads: The Supreme Court shall be the final court of appeal in and for Sierra Leone and shall have such appellate and other jurisdiction as may be conferred upon it by this Constitution or any other law: Provided that notwithstanding any law to the contrary, the President may refer any Petition in which he has to give a final decision to the Supreme Court for a judicial opinion.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<p>In discussing this section it was agreed that a mechanism be put in place which will enable the Speaker of Parliament to refer matters or petitions to the Supreme Court for judicial opinion or ruling as the case may be. It was decided that this suggestion be fused in Section 122 which deals with the jurisdiction of the Supreme Court.</p>
	122(2)	<p>The Supreme Court may, while treating its own previous decisions as normally binding, depart from a previous decision when it appears right so to do; and all other Courts shall be bound to follow the decision of the Supreme Court on questions of law.</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	122(3)	For the purposes the hearing and determining any matter within its jurisdiction and the amendment, execution or the enforcement of any judgement or order made on any such matter, and for the purposes of any other authority, expressly or by necessary implication given to it, the Supreme Court shall have all the powers, authority and jurisdiction vested in any Court established by this Constitution or any other law.	
<b>Appeals to the Supreme Court.</b>			
	123(1)	An appeal shall lie from a judgement, decree or order of the Court of Appeal to the Supreme Court—	
	A	As of right, in a civil cause or matter;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	As of right, in any criminal cause or matter in respect of which an appeal has been brought to the Court of Appeal from a judgement, decree or order of the High Court of Justice in the exercise of its original jurisdiction; or	Section 123 (1) (b) of the 1991 Constitution reads: An appeal shall lie from a judgement, decree or order of the Court of Appeal to the Supreme Court as of right, in any criminal cause or matter in respect of which an appeal has been brought to the Court of Appeal from a Judgement, decree or order of the High Court of Justice in the exercise of its original jurisdiction.
			<b>Proposed amendment:</b>
			By the deletion of the word “in the exercise of its original jurisdiction” and the insertion of the words “or Court Martial





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	With leave of the Court of Appeal in any criminal cause or matter, where the Court of Appeal is satisfied that the case involves a substantial question of law or is of public importance.	Section 123 (1) (c) of the 1991 Constitution reads: An appeal shall lie from a judgement, decree or order of the Court of Appeal to the Supreme Court with leave of the Court of Appeal in any criminal cause or matter, where the Court of Appeal is satisfied that the case involves a substantial question of law or is of public importance.
			<b>Proposed amendment:</b>
	123(2)	Notwithstanding the provisions of subsection (1), the Supreme Court shall have power to entertain any application for special leave to appeal in any cause or matter, civil or criminal, to the Supreme Court, and to grant such leave accordingly.	To be deleted in its entirety



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Interpretation of the Constitution.			
	124(1)	The Supreme Court shall, save as otherwise provided in section 122 of this Constitution, have original jurisdiction, to the exclusion of all other Courts—	
	A	In all matters relating to the enforcement or interpretation of any provision of this Constitution; and	
	B	Where any question arises whether an enactment was made in excess of the power conferred upon Parliament or any other authority or person by law or under this Constitution.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	124(2)	Where any question relating to any matter or question as is referred to in subsection (1) arises in any proceedings in any Court, other than the Supreme Court, that Court shall stay the proceedings and refer the question of law involved to the Supreme Court for determination; and the Court in which the question arose shall dispose of the case in accordance with the decision of the Supreme Court.	
Supervisory Jurisdiction.			



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	125	The Supreme Court shall have supervisory jurisdiction over all other Courts in Sierra Leone and over any adjudicating authority; and in exercise of its supervisory jurisdiction shall have power to issue such directions, orders or writs including writs of habeas corpus, orders of certiorari, mandamus and prohibition as it may consider appropriate for the purposes of enforcing or securing the enforcement of its supervisory powers.	
Power of Justices of the Supreme Court in interlocutory matters.			





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	126	A single Justice of the Supreme Court acting in its criminal jurisdiction, and three Justices of the Supreme Court acting in its civil jurisdiction may exercise any power vested in the Supreme Court not involving the decision of a cause or matter before the Supreme Court save that—	
	A	In criminal matters, if any such Justices refuses or grants an application in the exercise of any such power, any person affected thereby shall be entitled to have the application determined by the Supreme Court constituted by three Justices thereof; and	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	In civil matters any order, direction or decision made or given by three Justices in pursuance of the powers conferred by this section may be varied, discharged or reversed by the Supreme Court constituted by five Justices thereof.	
Enforcement of the Constitution.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	127(1)	A person who alleges that an enactment or anything contained in or done under the authority of that or any other enactment is inconsistent with, or is in contravention of a provision of this Constitution, may at any time bring an action in the Supreme Court for a declaration to that effect.	Section 127 (1) of the 1991 Constitution reads: A person, who alleges that an enactment or anything contained in or done under the authority of that or any other enactment is inconsistent, may at any time bring an action in the Supreme Court for a declaration to that effect.
			<b>Proposed amendment:</b>
			: By the deletion of the words “a person” to be replaced by the words “any citizen of Sierra Leone or person resident therein”.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	127(2)	The Supreme Court shall, for the purposes of a declaration under subsection (1), make such orders and give such directions as it may consider appropriate for giving effect to, or enabling effect to be given to, the declaration so made.	
	127(3)	Any person to whom an order or direction is addressed under subsection (1) by the Supreme Court shall duly obey and carry out the terms of the order or direction.	
	127(4)	Failure to obey or to carry out the terms of an order or direction made or given under subsection (1) shall constitute a crime under this Constitution	Section 127 (4) of the 1991 Constitution reads: Failure to obey or to carry out the terms of an order or direction made or given under subsection (1) shall constitute a crime under this Constitution.
			<b>Proposed amendment:</b>
<b>PART III — THE COURT OF APPEAL</b>			To be deleted in its entirety





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Composition of the Court of Appeal.			
	128(1)	The Court of Appeal shall consist of—	
	A	The Chief Justice;	
	B	Not less than seven Justices of the Court of Appeal; and	Section 128 (1) (b) of the 1991 Constitution reads: The Court of Appeal shall consist of not less than seven Justices of the Court of Appeal.
			<b>Proposed amendment:</b>
			The Court of Appeal shall consist of not less than nine Justices of the Court of Appeal.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	Such other Justices of the Superior Court of Judicature as the Chief Justice may, for the determination of any particular cause or matter by writing under his hand, request to sit in the Court of Appeal for such period as the Chief Justice may specify or until the request is withdrawn.	
	128(2)	The Court of Appeal shall be duly constituted by any three Justices thereof and when so constituted the most senior of such Justices shall preside.	
	128(3)	Subject to the provisions of subsection (1) and (2) of section 122 of this Constitution, the Court of Appeal shall be bound by its own previous decisions and all Courts inferior to the Court of Appeal shall be bound to follow the decisions of the Court of Appeal on questions of law.	
	128(4)	Parliament may create such Divisions of the Court of Appeal as it may consider necessary—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	Consisting of such number of Justices as may be assigned thereto by the Chief Justice;	
	B	Sitting at such places in Sierra Leone as the Chief Justice may determine; and	
<b>Jurisdiction of the Court of Appeal</b>	C	Presided over by the most senior of the Justices of the Court of Appeal constituting the Court	
	129(1)	The Court of Appeal shall have jurisdiction throughout Sierra Leone to hear and determine, subject to the provisions of this section and of this Constitution, appeals from any judgement, decree or order of the High Court of Justice or any Justice thereof and such other appellate jurisdiction as may be conferred upon it by this Constitution or any other law.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	129(2)	(2) Save as otherwise provided in this Constitution or any other law, an appeal shall lie as of right from a judgement, decree or order of the High Court of Justice to the Court of Appeal in any cause or matter determined by the High Court of Justice.	
	129(3)	For the purpose of hearing and determining any appeal within its jurisdiction and the amendment, execution or the enforcement of any judgement or order made on any such appeal and for the purposes of any other authority expressly or by necessary implication given to the Court of Appeal by this Constitution or any other law, the Court of Appeal shall have all the powers, authority and jurisdiction vested in the Court from which the Appeal is brought.	
Power of Single Justice of Appeal.			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	130	A single Justice of the Court of Appeal may exercise any power vested in the Court of Appeal not involving the decision of any cause or matter before the Court of Appeal save that—	
	A	In criminal matters, if any such Justice refuses or grants an application in the exercise of any such power, any person affected thereby shall be entitled to have the application determined by the Court of Appeal as duly constituted; and	
	B	In civil matters, any order, direction or decision made or given in pursuance of the power conferred by this section may be varied, discharged or reversed by the Court of Appeal as duly constituted.	
Composition of the Court.	<b>PART IV — THE HIGH COURT</b>		
	131(1)	The High Court of Justice shall consist of—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	The Chief Justice;	
	B	Not less than nine High Court Judges; and	
		Such other Judges of the Superior Court of Judicature as the Chief Justice may, for the determination of any particular cause or matter, by writing under his hand request to sit in the High Court of Justice for such period as the Chief Justice may specify or until the request is withdrawn.	
	131(2)	The High Court of Justice shall be duly constituted as the case may be—	
	A	By any one Judge thereof; or	
	B	By any one Judge thereof and a jury	
	131(3)	There shall be in the said High Court such divisions consisting of such number of Judges respectively as may be assigned thereto by the Chief Justice; and sitting in such places in Sierra Leone as the Chief Justice may determine.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Jurisdiction of the High Court.			
	132(1)	The High Court of Justice shall have jurisdiction in civil and criminal matters and such other original appellate and other jurisdiction as may be conferred upon it by this Constitution or any other law.	
	132(2)	(2) The High Court of Justice shall have jurisdiction to determine any matter relating to industrial and labour disputes and administrative complaints.	
	132(3)	Parliament shall, by an Act of Parliament, make provision for the exercise of the jurisdiction conferred on the High Court of Justice by the provisions of the immediately preceding subsection.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	132(4)	For the purposes of hearing and determining an appeal within its jurisdiction and the amendment, execution or the enforcement of any judgement or order made on any such appeal, and for the purposes of any other authority expressly or by necessary implication given to the High Court of Justice by this Constitution or any other law, the High Court of Justice shall have all the powers, authority and jurisdiction vested in the Court from which the appeal is brought.	
	132(5)	Any Judge of the High Court of Justice may, in accordance with the Rules of Court made in that behalf, exercise in Court or in Chambers all or any part of the jurisdiction vested in the High Court of Justice by this Constitution or any other law.	
Claims against the Government.			





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	133(1)	Where a person has a claim against the Government, that claim may be enforced as of right by proceedings taken against the Government for that purpose, without the grant of a fiat or the use of the process known as Petition of Right.	
	133(2)	Parliament shall, by an Act of Parliament, make provision for the exercise of jurisdiction under this section.	
Supervisory jurisdiction of the High Court.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	134	The High Court of Justice shall have supervisory jurisdiction over all inferior and traditional Courts in Sierra Leone and any adjudicating authority, and in the exercise of its supervisory jurisdiction shall have power to issue such directions, writs and orders, including writs of habeas corpus, and orders of certiorari, mandamus and prohibition as it may consider appropriate for the purposes of enforcing or securing the enforcement of its supervisory powers.	
Appointment of Judges, etc.	<b>PART IV - APPOINTMENT OF JUDGES</b>		



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	135(1)	The President shall, acting on the advice of the Judicial and Legal Service Commission and subject to the approval of Parliament, appoint the Chief Justice by warrant under his hand from among persons qualified to hold office as Justice of the Supreme Court.	
	135(2)	The other Judges of the Superior Court of Judicature shall be appointed by the President by warrant under his hand acting on the advice of the Judicial and Legal Service Commission and subject to the approval of Parliament	
	135(3)	A person shall not be qualified for appointment as a Judge of the Superior Court of Judicature, unless he is entitled to practise as Counsel in a Court having unlimited jurisdiction in civil and criminal matters in Sierra Leone or any other country having a system of law analogous to that of Sierra Leone and approved by the Judicial and Legal Service Commission, and has been entitled as such Counsel in the case of appointment	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	The Supreme Court, for not less than twenty years;	
	B	The Court of Appeal, for not less than fifteen years;	
	C	The High Court of Justice, for not less than ten years.	
	135(4)	For the purposes of subsection (3), a person shall be regarded as entitled to practise as Counsel if he has been called, enrolled or otherwise admitted as such and has not subsequently been disbarred or removed from the Roll of Counsel or Legal Practitioners	
	135(5)	For the purposes of this section, a person shall not be regarded as not being entitled to practise in a court by reason only that he is precluded from doing so by virtue of his holding or acting in any office.	
Judicial vacancies			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	136(1)	Where the office of the Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then—	
		Where the office of the Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then—	
	A	Until a person has been appointed to and has assumed the functions of that office; or	
	B	Until the person holding that office has resumed the functions of that office, as the case may be,	
		Those functions shall be performed by the most senior for the time being of the Justices of the Supreme Court.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	136(2)	<p>Where the office of a Judge of the High Court is vacant or for any reason a Judge thereof is unable to perform the functions of his office or if the Chief Justice advises the President that the state or business in the High Court of Justice so requires, the President may, acting in accordance with the advice of the Judicial and Legal Service Commission, appoint a person who has held office as, or a person qualified for appointment as, a Judge of the Superior Court of Judicature to act as a Judge of the High Court of Justice, notwithstanding the fact that he has already attained the retiring age prescribed by section 137.</p>	<p>Section 136 (2) of the 1991 Constitution reads: Where the office of a Judge of the High Court is vacant or for any reason a Judge thereof is unable to perform the functions of his office or if the Chief Justice advises the President that the state or business in the High Court of Justice so requires, the President may, acting in accordance with the advice of the Judicial and Legal Service Commission, appoint a person who has held office as, or a person qualified for appointment as a Judge of the Superior Court of Judicature to act as a Judge of the High Court of Justice, notwithstanding the fact that he has already attained the retiring age prescribed by Section 137.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			By the insertion of the words “subject to the approval of Parliament”, between the words “a person” and “who” and by deletion of the words “notwithstanding the fact that he has already attained the retiring age prescribed by Section 137”.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	136(3)	Any person appointed under the provisions of subsection (2) of this section to act as a Judge of the High Court of Justice shall continue to act for the period of his appointment or if no such period is specified until his appointment is revoked by the President, acting in accordance with the advice of the Judicial and Legal Service Commission.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	136(4)	<p>Where the office of a Justice of the Supreme Court or of the Court of Appeal is vacant or for any reason a Justice thereof is unable to perform the functions of his office or if the Chief Justice advises the President that the state of business in the Supreme Court or in the Court of Appeal, as the case may be, so requires the President may, acting in accordance with the advice of the Judicial and Legal Service Commission, appoint a person who has held office as or a person qualified for appointment as a Judge of the Superior Court of Judicature to act as a Justice of the Supreme Court or of the Court of Appeal, as the case may be, notwithstanding the fact that he has already attained the retiring age prescribed by section 137.</p>	<p>Section 136 (4) of the 1991 Constitution reads: Where the office of a Justice of the Supreme Court or of the Court of Appeal is vacant or for any reason a Justice thereof is unable to perform the functions of his office or if the Chief Justice advises the President that the state or business in the Supreme Court or in the Court of Appeal, as the case may be, so requires, the President may, acting in accordance with the advice of the Judicial and Legal Service Commission, appoint a person, who has held office as, or a person qualified for appointment as, a Judge of the Superior Court of Judicature to act as a justice of the Supreme Court or of the Court of Appeal, as the case may be, notwithstanding the fact that he has already attained the retiring age prescribed by Section 137.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			By the insertion of the words “subject to the approval of Parliament”, between the words “a person” and “who” and by deletion of the words “notwithstanding the fact that he has already attained the retiring age prescribed by Section 137”.
	136(5)	Any person appointed under the provisions of subsection (4) of this section to act as a Justice of the Supreme Court or of the Court of Appeal shall continue to act for the period of his appointment or if no such period is specified until his appointment is revoked by the President acting in accordance with the advice of the Judicial and Legal Service Commission.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	136(6)	Notwithstanding the expiration of the period of his appointment, or the revocation of his appointment, a Judge appointed pursuant to the provisions of subsection (2) or (4) of this section, may thereafter continue to act, for a period not exceeding three months, to enable him to deliver judgement or do any other thing in relation to proceedings that were commenced before him previously thereto.	120. Section 136 (6) of the 1991 Constitution reads: Notwithstanding the expiration of the period of his appointment, or the revocation of his appointment, a Judge appointed pursuant to the provisions of subsection (2) or (4) of this section, may thereafter continue to act, for a period not exceeding three months, to enable him to deliver judgement or do any other thing in relation to proceedings that were commenced before him previously thereto.
			<b>Proposed amendment:</b>
Tenure of Office of Judges, etc.			By the deletion of the word “three” to be replaced by the word “six”.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	137(1)	Subject to the provisions of this section, a Judge of the Superior Court of Judicature shall hold office during good behaviour.	
	137(2)	A person holding office as a Judge of the Superior Court of Judicature—	
	A	may retire as a Judge at any time after attaining the age of sixty-five years;	
	B	shall vacate that office on attaining the age of sixty-five years.	Section 137 (2) (b) of the 1991 Constitution reads: <span style="float: right;">A</span> person holding office as a Judge of the Superior Court of Judicature shall vacate that office on attaining the age of sixty-five years. :
			<b>Proposed amendment:</b>





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			By the deletion of the word "three" to be replaced by the word "six".
	137(4)	Subject to the provisions of this section, a Judge of the Superior Court of Judicature may be removed from office only for inability to perform the functions of his office, whether arising from infirmity of body or mind or for statement misconduct, and shall not be so removed save in accordance with the provisions of this section	
	137(5)	If the Judicial and Legal Service Commission represents to the President that the question of removing a Judge of the Superior Court of Judicature, other than the Chief Justice, under subsection (4) ought to be investigated then—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	The President, acting in consultation with the Judicial and Legal Service Commission, shall appoint a tribunal which shall consist of a Chairman and two other members, all of whom shall be persons qualified to hold or have held office as a Justice of the Supreme Court; and	
	B	The tribunal appointed under paragraph (a) shall enquire into the matter and report on the facts thereof and the findings thereon to the President and recommend to the President whether the Judge ought to be removed from office under subsection (7).	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	137(6)	Where the question of removing a Judge of the Superior Court of Judicature from office has been referred to a tribunal under subsection (5), the President may suspend the Judge from performing the functions of his office, and any such suspension may at any time be revoked by the President, and shall in any case cease to have effect if the tribunal recommends to the President that the Judge shall not be removed from office.	
	137(7)	A Judge of the Superior Court of Judicature shall be removed from office by the President—	
	A	If the question of his removal from office has been referred to a tribunal appointed under subsection (5) and the tribunal has recommended to the President that he ought to be removed from office; and	
	B	If his removal has been approved by a two-thirds majority in Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	137(8)	If the President is satisfied on a petition presented to him in that behalf, that the question of removing the Chief Justice ought to be investigated, then—	
	A	The President shall, acting in consultation with the Cabinet, appoint a tribunal which shall consist of—	
	i	Three Justices of the Supreme Court, or legal practitioners qualified to be appointed as Justices of the Supreme Court; and	
	ii	Two other persons who are not Members of Parliament or legal practitioners;	
	B	The tribunal shall enquire into the matter and report on the facts thereof and the findings thereon to the President whether the Chief Justice ought to be removed from office under subsection (10), and the President shall act in accordance with the recommendations of the tribunal.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	137(9)	Where the question of removing the Chief Justice from office has been referred to a tribunal under subsection (8), the President may by warrant under his hand suspend the Chief Justice from performing the functions of his office, and any such suspension may at any time be revoked by the President, and shall in any case cease to have effect if the tribunal recommends to the President that the Chief Justice shall not be removed from office.	
	137(10)	The Chief Justice shall be removed from office by the President—	
	A	If the question of his removal from office has been referred to a tribunal appointed under subsection (8) and the tribunal has recommended to the President that he ought to be removed from office; and	
	B	If his removal has been approved by a two-thirds majority in Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Remuneration of Judges, etc.			
	138(1)	The salaries, allowances, gratuities and pensions of Judges of the Superior Court of Judicature shall be a charge upon the Consolidated Fund.	
	138(2)	A Judge of the Superior Court of Judicature shall on retiring from office as such Judge, be entitled to such gratuity and pension as may be determined by Parliament	
	138(3)	The salary, allowances, privileges, right in respect of leave of absence, gratuity or pension and other conditions of service of a Judge of the Superior Court of Judicature shall not be varied to his disadvantage.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	138(4)	A Judge of the Superior Court of Judicature shall not while he continues in office, hold any other office of profit or emolument, whether by way of allowances or otherwise, whether private or public, and either directly or indirectly.	Section 138 (4) of the 1991 Constitution reads: A Judge of the Superior Court of Judicature shall not while he continues in office, hold any other office of profit or emolument, whether by way of allowances or otherwise whether private or public, and either directly or indirectly.:
			<b>Proposed amendment:</b>
			A Judge of the Superior Court of Judicature may undertake any job for remuneration if approval is obtained from the Chief Justice, subject to appeal to the judicial and Legal Service Commission in cases of disapprovals.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Oath of Office of Judges.			
	139	A Judge of the Superior Court of Judicature shall, before assuming the functions of his office, take and subscribe before—	
	A	The President, in the case of the Chief Justice and Justices of the Supreme Court; and	
	B	He Chief Justice, in the case of any other Judge,	
<b>PART VI – JUDICIAL AND LEGAL SERVICE COMMISSION</b>		The Judicial Oath as set out in the Third Schedule to this Constitution	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Judicial and Legal Service Commission.			
	140(1)	There shall be established a Judicial and Legal Service Commission which shall advise the Chief Justice in the performance of his administrative functions and perform such other functions as provided in this Constitution or by any other law, and which shall consist of—	124. Section 140 (1) of the 1991 Constitution reads: There shall be established a Judicial and Legal Service Commission which shall advise the Chief Justice in the performance of his administrative functions and perform such other functions as provided in this Constitution or by any other law, which shall consist of:
	A	The Chief Justice, who shall be the Chairman;	The Chief Justice, who shall be the Chairman;
	B	The most Senior Justice of the Court of Appeal;	The most Senior Justice of the Court of Appeal;
	C	The Solicitor-General;	The Solicitor-General;



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	D	One practicing Counsel of not less than ten years standing nominated by the Sierra Leone Bar Association and appointed by the President;	One practicing Counsel of not less than ten years standing nominated by the Sierra Leone Bar Association and appointed by the President;
	E	The Chairman of the Public Service Commission; and	The Chairman of the Public Service Commission;
	F	Two other persons, not being legal practitioners, to be appointed by the President, subject to the approval of Parliament.	Two other persons, not being legal practitioners, to be appointed by the President, subject to the approval of Parliament.
			Two other persons, not being legal practitioners, to be appointed by the President, subject to the approval of Parliament.
			<b>Proposed amendment:</b>
			By creating a new subsection (g) which reads:(g) A Judge of the High Court of Justice.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	140(2)	The Chief Justice shall, acting in accordance with the advice of the Judicial and Legal Service Commission and save as otherwise provided in this Constitution, be responsible for the effective and efficient administration of the Judiciary.	
	140(3)	The following provisions shall apply in relation to a member of the Judicial and Legal Service Commission who is appointed pursuant to paragraphs (d) and (f) of subsection (1)—	
	A	Subject to the provisions of this subsection, such member shall vacate office at the expiration of three years from the date of his appointment;	
	B	Any such member may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; and	
	C	Such member shall not be removed from office except in accordance with the provisions of this subsection.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	140(4)	A member of the Judicial and Legal Service Commission shall, before assuming the functions of his office, take and subscribe before the President the oath as set out in the Third Schedule to this Constitution.	
Appointment of Judicial and Legal Officers, etc.			
	141(1)	The power to appoint persons to hold or act in an office to which this section applies (including the 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 office shall vest in the Judicial and Legal Service Commission;	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		<p>Provided that the Commission may, with the approval of the President 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, or to any Judge of the High Court, or 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.</p>	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	141(2)	This section applies to the offices of Administrator and Registrar-General, Registrar and Deputy Registrar of the Supreme Court, Registrar and Deputy 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, Deputy Administrator and Registrar-General, any Principal Magistrate, Senior Magistrate, Magistrate, Under Sheriff, First Parliamentary Counsel, Second Parliamentary Counsel, Principal State Counsel, Customary Law Officer, Senior State Counsel, Senior Parliamentary Counsel, Research Counsel, Parliamentary Counsel, State Counsel, Assistant Customary Law Officer and such other officers as may be prescribed by Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Appointment of Court officers.			
	142(1)	The appointment of officers and servants of the Courts of Sierra Leone shall, subject to the provisions of section 141 of this Constitution, be made by the Chief Justice or such other Judge or officer of the Court as the Chief Justice may direct, acting in consultation with the Judicial and Legal Service Commission	
	142(2)	The Judicial and Legal Service Commission may, acting in consultation with the Public Service Commission and with the prior approval of the President, make regulations by statutory instrument prescribing the terms and conditions of service of officers and other employees of the Courts and of the Judicial and the Legal Services established by this Constitution or any other law.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Fees of Court, etc			
	143	Any fees, fines or other moneys taken by the Courts shall form part of the Consolidated Fund	Section 143 of the 1991 Constitution reads: Any fees, fines or other moneys taken by the Courts shall form part of the Consolidated Fund.
			<b>Proposed amendment:</b>
Official document.			Any fines taken by the Courts shall form part of the Consolidated Fund.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	144(1)	Whenever in any proceedings in a Court, other than the Supreme Court, any question arises as to the discovery of an official document, and any person or authority having custody legal or otherwise of any such document refuses, upon request, to produce that document, on the ground—	
	A	That the document belongs to a class of documents which it is prejudicial to the security of the State or injurious to the public interest to produce, or	
	B	That the disclosure of the contents thereof will be prejudicial to the security of the State or injurious to the public interest,	
		The Court shall stay the proceedings and refer the question to the Supreme Court for determination.	
	144(2)	The Supreme Court may, pursuant to the provisions of subsection (1)—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	Order any person or authority having custody, legal or otherwise, of the document to produce it; and any person so ordered shall produce the document for the purpose of inspection by the Supreme Court; and	
	B	Determine whether or not any such document shall be produced in the Court from which the reference was made after hearing the parties thereto or their legal representatives or after having given them the opportunity of being heard.	
	144(3)	Where the Supreme Court is of the opinion that the document shall be produced, it shall make an order upon the person or authority having custody of the document to produce the same or so much of the contents thereof as is essential for the proceedings in accordance with the terms of the order.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	144(4)	Where the question of the discovery of an official document arises in any proceedings in the Supreme Court in the circumstances mentioned in subsection (1) of this section, the Supreme Court shall be governed, mutatis mutandis, by the preceding provisions of this section for the determination of the question that has arisen.	
<b>Rules of Court Committee.</b>			
	145(1)	There shall be established a Rules of Court Committee which shall consist of—	
	A	The Chief Justice, who shall be Chairman;	
	B	The Director of Public Prosecutions;	
	C	Justice of the Supreme Court, a Justice of Appeal, and a Judge of the High Court, to be appointed by the Chief Justice;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	The First Parliamentary Counsel;	
	E	Nominee of the Attorney-General and Minister of Justice;	
	F	Two practicing Counsel of not less than ten years standing both of whom shall be nominated annually by the Sierra Leone Bar Association.	
	145(2)	Subject to the provisions of this Constitution the Rules of Court Committee may make Rules of Court for regulating the practice and procedure of all Courts in Sierra Leone, which shall include rules relating to the prevention of frivolous and vexatious proceedings.	
<b>CHAPTER VIII — THE OMBUDSMAN</b>			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Parliament to establish office of Ombudsman			



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	146(1)	<p>Subject to the provisions of this Constitution, Parliament shall, not later than twelve months from the commencement of this Constitution, or so soon thereafter as Parliament may determine, by an Act of Parliament establish the office of Ombudsman.</p>	<p>127. Section 146 of the 1991 Constitution reads:  Subject to the provisions of this Constitution, Parliament shall, not later than twelve months from the commencement of this Constitution, or so soon thereafter as Parliament may determine, by an Act of Parliament establish the office of Ombudsman.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	146(2)	The Act of Parliament shall define the functions and duties of the Ombudsman which shall include the investigation of any action taken or omitted to be taken by or on behalf of—	The Act of Parliament shall define the functions and duties of the Ombudsman which shall include the investigation of any action taken or omitted to be taken by or on behalf of –
	A	Any department of Ministry of Government;	Any department or Ministry of Government;
	B	Any statutory corporation or institutions of higher learning or education, set up entirely or partly out of public funds;	Any statutory corporation or institutions of higher learning or education, set up entirely or partly out of public funds;
	C	Any member of the Public Service, being an action taken or omitted to be taken in the exercise of the administrative functions of that department, ministry, statutory corporation, institution or person.	Any member of the Public Service, being an action taken or omitted to be taken in the exercises of the administrative functions of that department, ministry, statutory corporation, institution or person



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			The Commission observed that Section 146, dealing with the Office of the Ombudsman, should be redrafted to convey the fact that the office has already been established and the necessary Act has been enacted by Parliament.
CHAPTER IX — COMMISSIONS OF INQUIRY			
Appointment of Commissions of Inquiry			
	147(1)	Save as otherwise provided in subsection (2), the President shall, by Constitutional instrument, appoint a Commission of inquiry into any matter of public interest where—	
	A	The Cabinet advises that it is in the public interest so to do; or	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	Parliament by a resolution passed in that behalf requires that a Commission be appointed to inquire into any matter specified in the resolution being a matter of public importance.	
	147(2)	A Commission appointed pursuant to the provisions of subsection (1) may consist of a sole Commissioner or two or more persons one of whom shall be appointed the Chairman of the Commission.	
	147(3)	No person shall be appointed a sole Commissioner or the Chairman of a Commission of Inquiry pursuant to the provisions of this section unless—	
	A	He is a Judge of the Superior Court of Judicature; or	
	B	He is a person qualified to be appointed a Judge of the Superior Court of Judicature; or	
	C	He is a person who has held office as a Judge of the Superior Court of Judicature; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	He is a person who possess special background knowledge in respect of the matter forming the subject-matter of the investigation.	
	147(4)	Subject to the provisions of subsection (3), where a Commission of Inquiry appointed pursuant to the provisions of subsection (1) consists of more than two Commissioners other than the Chairman, at least one of them shall be a person who possesses special qualifications or knowledge in respect of the matter forming the subject-matter of the investigation.	
Powers, rights and privileges of Commissions of Inquiry.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	148(1)	A Commission of Inquiry shall have such powers, rights and privileges as are vested in the High Court of Justice or a Judge thereof at a trial in respect of—	
	A	Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise; and	
	B	Compelling the production of documents; and	
	C	The issue of a Commission or request to examine witnesses abroad.	
	148(2)	A sole Commissioner or a Member of a Commission of Inquiry shall not be liable to any action or suit in respect of any matter or thing done by him in the performance of his functions as such Commissioner or Member.	
	148(3)	Save as may be otherwise ordered by the Commission in the interest of public safety or public order, the proceedings of every Commission of Inquiry shall be held in public.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
Publication of report of Commission of Inquiry and right of appeal			
	149(1)	The Commission of Inquiry shall—	
	A	Make a full, faithful and an impartial inquiry into any matter specified in the commission of appointment;	
	B	Report in writing the result of the inquiry; and	
	C	Furnish in the repost the reasons leading to the conclusions arrived at or reported.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	149(2)	The President shall, subject to the provisions of subsection (4), cause to be published the report of a Commission of Inquiry together with the White Paper thereon within six months of the date of the submission of the report by the Commission.	
	149(3)	Where the report of a Commission of Inquiry is not to be published, the President shall issue a statement to that effect, giving reasons with the report is not to be published.	
	149(4)	(2) Where a Commission of Inquiry makes an adverse finding against any person, which may result in a penalty, forfeiture or loss of status, the report of the Commission of Inquiry shall, for the purposes of this Constitution, be deemed to be a judgement of the High Court of Justice and accordingly an appeal shall lie as of right from the Commission to the Court of Appeal.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Rules regulating Commissions of Inquiry.			
	150	Subject to the provisions of this Chapter, the Rules of Court Committee shall, but Constitutional instrument, make rules regulating the practice and procedure of all Commissions of Inquiry.	The Commission observed, with great concern that functions given to institutions by the Constitution are not carried out. Even though Section 150 of the Constitution empowers the Rules of Court Committee to make rules regulating the practice and procedure of Commissions of Inquiry, it has failed to do so.
CHAPTER X — THE PUBLIC SERVICE			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Establishment of Public Service Commission.		PART I — THE PUBLIC SERVICE COMMISSION	
	151(1)	There shall be a Public Service Commission which shall consist of a Chairman, not less than two and not more than four other members.	
	151(2)	The members of the Public Service Commission shall be appointed by the President, subject to the approval of Parliament	
	151(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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	151(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 office, power to make appointments to which is vested by this Constitution in the Public Service Commission.	
	151(5)	The office of a member of the Public Service Commission, unless he sooner resigns or dies, shall become vacant—	.Section 151 (5) (a) (b) of the 1991 Constitution reads: The office of a member of the Public Service Commission, unless he sooner resigns or dies, 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;	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.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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:	If any circumstances arise that if he were not a member of the Commission would cause him to be disqualified for appointment as such:
		Provided that a member of the Public Service Commission shall retire at that age of sixty-five years.	
			<b>Proposed amendment:</b>
			The office of a member of the Civil Service Commission, unless he sooner resigns or dies, shall become vacant –
	(a)		At the expiration of four years, renewable only once, and
	(b)		The Chairman, at the expiration of five years, renewable only once.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	151(6)	A member of the Public Service Commission may be removed by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misconduct	
	151(7)	Whenever 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 may appoint a person who is qualified for appointment as a member of the Commission, and any person so appointed shall, subject to the provisions of paragraph (b) of subsection (5), continue to act until his appointment is revoked by the President.	
	151(8)	A member of the Public Service Commission shall, before assuming the functions of his office, take and subscribe before the President the oath as set out in Third Schedule to this Constitution.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
Appointments etc. of public officers.			
	152(1)	Subject to the provisions of this Constitution, the 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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	152(2)	The President may, subject to such conditions as he may think fit, delegate any of his functions relating to the making of appointments, including power to make appointments on promotion and to confirm appointments, by directions in writing to the Public Service Commission or to a committee thereof or to any member of the Commission or to any public officer.	
	152(3)	Before the Public Service Commission appoints to any public office any person holding or acting in any office, the power to make appointments to which is not vested in the Public Service Commission, it shall consult the person or authority in whom that power is vested.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	152(4)	The Public Service Commission shall, upon request made to it by any person or authority having power to make an appointment to an office under this Constitution or in any other public institution, make recommendations to that person or authority for the appointment of any public officer or any other person to any office, the power to make appointment to which is vested by the Constitution or any other law in that person, authority or public institution.	
	152(5)	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 Public Service Commission.	
	152(6)	The provisions of this section shall not apply in relation to any of the following offices—	
	A	The office of any Justice of the Supreme Court or of the Court of Appeal or a Judge of the High Court;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	B	The office of the Director of Public Prosecutions;	
	C	The office of Auditor-General;	
	D	Any office to which section 141 (which relates to offices within the jurisdiction of the Judicial and Legal Service Commission) applies;	
	E	Any office to which section 153 (which relates to the offices of Ambassadors and certain offices) applies;	
	F	Any office to which section 154 (which relates to the offices of the Permanent Secretaries and certain other offices) applies; and	
	G	Any office the remuneration of which is calculated on a daily rate:	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		Provided that the power of transfer vested in the Public Service Commission under subsection (5) may be exercised in the case of persons holding any of the offices specified in this subsection where such persons express their consent in writing to such transfer.	
	152(7)	No appointment shall be made under this section to any office on the personal staff of the President or the Vice-President, unless he signifies his personal approval of the appointment.	
	152(8)	The Public Service Commission shall not dismiss or inflict any other punishment on a public officer on 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 and Legal Service Commission concurs therein.	
	152(9)	No member of the Public Service shall be—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	Victimised or discriminated against directly or indirectly for having discharged his duties faithfully in accordance with this Constitution, or	
	B	dismissed or removed from office or reduced in rank or otherwise punished without just cause.	
	152(10)	The Public Service Commission may, with the prior approval of the President, make regulations by constitutional instrument for the effective and efficient performance of its functions under this Constitution or any other law, and may, with such prior approval 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.	
	152(11)	Save as is otherwise provided in this Constitution, the Public Service Commission shall not be subject to the control or direction of any other person or authority in the performance of its functions under this Constitution or any other law.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Appointment of the principal representatives of Sierra Leone abroad.			
	153(1)	The power to appoint persons to hold or act in the office to which this section applies (including the power to 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.	
	152(2)	The offices to which this section applies are the offices of Ambassadors, High Commissioners or other principal representatives of Sierra Leone abroad, the Commanders of the Armed Forces, and the Inspector-General of Police;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Appointment of Permanent Secretaries and certain other officers.			
	154(1)	Provided that the appointment to these offices shall be subject to the approval of Parliament.	
	154(2)	The offices to which this section applies are the offices of Secretary to the Cabinet, Secretary to the Vice-President, Financial Secretary, Director-General of the Ministry of Foreign Affairs, Establishment Secretary, Development Secretary, Provincial Secretary and Permanent Secretary.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	154(3)	Where any person holding an office mentioned in subsection (2) 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.	
	154(4)	Subject to the provisions of section 152 of this Constitution, where any person has been removed under subsection (1) from any office specified in subsection (2) he may notwithstanding such removal—	
	A	Remain in the Public Service;	
	B	Continue to receive a salary not less than the salary he received before such removal; and	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	C	Continue to be eligible for any benefit granted to him in respect of his service as a public officer, including benefits payable under any law providing for the grant of pensions, gratuities or both;	
		Unless by such removal he ceases to be a member of the Public Service.	
<b>PART II - THE POLICE FORCE</b>			
<b>Establishment of the Sierra Leone Police Force.</b>			
	155(1)	There shall be a Police Force of Sierra Leone, the Head of which shall be the Inspector-General of Police	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	155(2)	No person shall raise any police force except by or under the authority of an Act of Parliament.	
	155(3)	No member of the Police Force shall hold office as President, Vice-President, Minister or Deputy Minister, or be qualified for election as a Member of Parliament whilst he remains a member of the Police Force	
<b>Establishment of Police Council</b>			
	156(1)	There shall be established a Police Council which shall consist of—	
	A	The Vice-President who shall be Chairman;	
	B	The Minister of Internal Affairs;	
	C	The Inspector-General of Police;	
	D	The Deputy Inspector-General of Police;	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	E	The Chairman of the Public Service Commission;	
	F	A member of the Sierra Leone Bar Association who shall be a legal practitioner of not less than ten years standing as a practicing Barrister, and shall be nominated by that body and appointed by the President;	
	G	Two other members appointed by the President, subject to the approval of Parliament.	
	156(2)	Every member of the Police Council shall take and subscribe the oath as set out in the Third Schedule to this Constitution.	
	156(3)	The Permanent Secretary of the Ministry responsible for matters relating to the Police shall be Secretary to the Council.	
<b>Appointments in the Police Force</b>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	157(1)	The Inspector-General shall be appointed by the President acting on the advice of the Police Council, subject to the approval of Parliament.	
	157(2)	Subject to the provisions of this Constitution, the power to appoint persons to hold or act in an office in the Police Force from the rank of Assistant Superintendent of Police and above, excluding the Inspector-General of Police, (including the power to make appointments on promotion and to confirm appointments), and to dismiss, reduce in rank and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Council.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	157(3)	The power to appoint persons to hold or act in any office in the Police Force below the rank of Assistant Superintendent of Police, (including the power to make appointments on promotion and to confirm appointments), and to dismiss, reduce in rank and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Council acting on the recommendation of the Inspector-General of Police.	
	157(4)	Subject to the provisions of this section and to the control and direction of the Police Council, the Inspector-General of Police shall be responsible for the operational control and administration of the Police Force.	
Functions of the Police Council			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	158(1)	The Police Council shall advise the President on all major matters of policy relating to internal security, including the role of the Police Force, Police budgeting and finance, administration and any other matter as the President shall require.	
	158(2)	The Police Council may, with the prior approval of the President, make regulations for the performance of its functions under this Constitution or any other law, and for the effective and efficient administration of the Police Force.	
	158(3)	Regulations made pursuant to the provisions of subsection (2) shall include regulations in respect of—	
	A	The control and administration of the Police Force of Sierra Leone;	
	B	The ranks of officers and men of each unit of the Police Force, the members in each such rank and the use of uniforms by such members	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	The conditions of service, including those relating to enrolment and to pay, pensions, gratuities and other allowances of officers and men of each unit and deductions therefrom;	
	D	The authority and powers of command of officers and men of the Police Force; and	
	E	The delegation to other persons of powers of commanding officers to discipline accused persons, and the conditions subject to which such delegation may be made.	
<p><b>PART III — RESIGNATIONS, RE-APPOINTMENTS AND PROTECTION OF PENSION RIGHTS OF PUBLIC OFFICERS HOLDING ESTABLISHED OFFICES</b></p>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Resignation and effect of new appointment of a person holding an established office			
	159(1)	Any person who is appointed or elected to, or otherwise selected for, any office established by this Constitution, including the office of Vice-President, 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:	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		Provided that in the case of the Speaker of 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.	
	159(2)	The resignation of any person from any such office as referred to in subsection (1) shall take effect, where no date is specified, when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.	
Re-appointment, etc.			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	160(1)	Subject to the provisions of this Constitution, 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.	
	160(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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Protection of pension rights.			
	161(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 favourable to that person.	
	161(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 of which those benefits were granted;	
	B	In relation to any benefits 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	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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.	
	161(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 favourable to him than the other law or laws.	
	161(4)	Any benefits 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 Fund or upon such other Special Fund, whether contributory or non-contributory, as Parliament may prescribe.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	161(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.	
	161(6)	References to the law applicable to any benefits to which this section applies includes (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	
	161(7)	Notwithstanding any law or custom to the contrary, it shall be lawful for Parliament to enact that a person shall not be entitled to a benefit under this section, unless he has contributed to a specified Fund created for the purpose.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
<b>PART IV — POWER AND PROCEDURE OF COMMISSIONS AND COUNCILS, AND LEGAL PROCEEDINGS</b>			
Power of Commissions in relation to the grant of pensions.			
	162(1)	Where any benefits to which this section applies can be withheld, reduced in amount or suspended by any law, those benefits shall not be so withheld, reduced in amount or suspended—	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	A	In the case of benefits which have been granted in respect of service in the public service to any person who at the time when he ceased to be a public officer was subject to the jurisdiction of the Judicial and Legal Service 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 or the appropriate Council, as the case may be.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	162(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 former Judge of the 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 misconduct or misbehaviour unless that person has been removed from judicial office by reason of such misconduct or misbehaviour.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	162(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 whether on a contributory or non-contributory basis.	
Power and procedure of Commissions			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	163(1)	Any Commission or Council established by this Constitution may, with the consent of the President and subject to the provisions of subsection (2), by regulation or otherwise regulate its own procedure and, confer or delegate powers or impose duties on any authority of the Government for the purpose of discharge of its functions.	
	163(2)	At any meeting of any Commission or Council established by this Constitution a quorum shall be constituted if three members are present; and if a quorum is present the Commission or Council shall not be disqualified for the transaction of business by reason of any vacancy among its members and any proceedings of the Commission or Council shall be valid notwithstanding that some person who was not entitled to do so took part therein.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Protection of Commissions from legal proceedings.			
	164	The question whether—	
	A	Any Commission or Council 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 Council or any other person has validly performed any functions delegated to such member or person in pursuance of the provisions of subsection (1) of section 163 or, as the case may be, subsection (10) of section 152; or	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	Any member of such a Commission or Council or any other person or authority has validly performed any other function in relation to the work of the Commission or Council or in relation to any such function as is referred to in paragraph (b),	
CHAPTER XI — THE ARMED FORCES		Shall not be inquired into in any Court.	
Establishment of the Armed Forces.			
	165(1)	There shall be the Armed Forces of Sierra Leone which shall consist of the Army, the Navy and the Air Force, and such other branches for which provision is made by Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	165(2)	The principal function of the Armed Forces shall be to guard and secure the Republic of Sierra Leone and preserve the safety and territorial integrity of the State, to participate in its development, to safeguard the people's achievements and to protect this constitution.	Section 165 (2) of the 1991 Constitution reads: The principal function of the Armed Forces shall be to guard and secure the Republic of Sierra Leone and preserve the safety and territorial integrity of the State, to participate in its development, to safeguard the people's achievements and to protect this Constitution.
			Section 165 (2) was amended by deleting the phrases "to participate in its development" and "to protect this Constitution". Proposed amendment: The principal function of the Armed Forces shall be to guard and secure the Republic of Sierra Leone and preserve the safety and territorial integrity of the state and to safeguard the people's achievements.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			<b>Proposed amendment:</b>
			The principal function of the Armed Forces shall be to guard and secure the Republic of Sierra Leone and preserve the safety and territorial integrity of the state and to safeguard the people's achievements.
	165(3)	No member of the Armed Force shall hold office as President, Vice-President, Minister or Deputy Minister, or be qualified for election as a Member of Parliament whilst he remains a member of the Armed Forces.	
<b>Prohibition of private armed forces.</b>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	166	No person shall raise any armed force except by or under the authority of an Act of Parliament.	
<b>Appointments in the Armed Forces.</b>			
	167(1)	There shall be established a Defence Council which shall consist of—	
	A	The President, who shall be the Chairman;	
	B	The Vice-President;	
	C	The Minister responsible for Defence;	
	D	The Chief of Defence Staff;	
	E	The Commanders of the Armed Forces (Army, Navy and Air Forces) and their deputies;	
	F	The Minister of Internal Affairs;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	G	Two other persons as the President shall from time to time appoint.	
	167(2)	Every member of the Defence Council shall take and subscribe the oath as set out in the Third Schedule to this Constitution.	
<b>Appointments in the Armed Forces.</b>	167(3)	The Permanent Secretary of the Ministry of Defence shall be the Secretary to the Council.	
	168(1)	The President, acting on the advice of the Defence Council, shall appoint the Chief of Defence Staff of the Armed Forces.	Section 168 (1) of the 1991 Constitution reads: The President, acting on the advice of the Defence Council, shall appoint the Chief of Defence Staff of the Armed Forces.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			The President, acting on the advice of the Defence Council, shall appoint the Chief of Defence Staff of the Armed Forces, subject to the approval of Parliament.
	168(2)	Subject to the provisions of this section and to the control or directives of the Defence Council, the Chief of Defence Staff and the Commanders of the Armed Forces shall be responsible for the operational control and the administration of the Armed Forces as a whole.	
Functions of the Defence Council			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	169(1)	The Defence Council shall advise the President on all major matters of policy relating to defence and strategy including the role of the Armed Forces, military budgeting and finance, administration and the promotion of officers above the rank of Lieutenant or its equivalent.	
	169(2)	The Defence Council may, with the prior approval of the President, make regulations for the performance of its functions under this Constitution or any other law, and for the effective and efficient administration of the Armed Forces.	Section 169 (2) of the 1991 Constitution states that, The Defence Council may, with the prior approval of the President, make regulations for the performance of its functions under the Constitution or any other law and for the effective and efficient administration of the Armed Forces.
			<b>Proposed amendment:</b>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			By the deletion of the word "may" to be replaced by the word "shall".
	169(3)	Regulations made pursuant to the provisions of subsection (2) shall include regulations in respect of—	
	A	The control and administration of the Army, the Navy and the Air Force of Sierra Leone;	
	B	The ranks of officers and men of each Armed Force, the members in each such rank and the use of uniforms by such men;	
	C	The conditions of service, including those relating to the enrolment and to the pay, pensions, gratuities and	
		Other allowances of officers and men of each Armed Force and deductions therefrom;	
	D	The authority and powers of command of officers and men of each Armed Force; and	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	E	The delegation to other persons of powers of commanding officers to try accused persons, and the conditions	
<b>CHAPTER XII — THE LAWS OF SIERRA LEONE</b>		subject to which such delegation may be made.	
<b>The Laws of Sierra Leone.</b>			
	170(1)	The laws of Sierra Leone shall comprise—	
	A	The Constitution;	
	B	Laws made by or under the authority of Parliament as established by this Constitution;	
	C	Any orders, rules, regulations and other statutory instruments made by any person or authority pursuant to a power conferred in that behalf by this Constitution or any other law;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	D	The existing law; and	
	E	The common law.	
	170(2)	The common law of Sierra Leone shall comprise the rules of law generally known as the common law, the rules of law generally known as the doctrines of equity, and the rules of customary law including those determined by the Superior Court of Judicature.	
	170(3)	For the purposes of this section the expression "customary law" means the rules of law which by custom are applicable to particular communities in Sierra Leone.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	170(4)	The existing law shall, save as otherwise provided in subsection (1), comprise the written and unwritten laws of Sierra Leone as they existed immediately before the date of the coming into force of this Constitution and any statutory instrument issued or made before that date which is to come into force on or after that date.	
	170(5)	Subject to the provisions of this section, the operation of the existing laws after the coming into force of this Constitution shall not be affected by such commencement; and accordingly the existing law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the provisions of this Constitution or otherwise to give effect to or enable effect to be given to any changes effected by this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	170(6)	Every statutory instrument shall be published in the Gazette not later than twenty-eight days after it is made or, in the case of a statutory instrument which will not have the force of law unless it is approved by some person or authority other than the person or authority by which it is made, not later than twenty-eight days after it is approved, and if it is not so published it shall be void from the date on which it was made.	
	170(7)	Any orders, rules or regulations made by any person or authority pursuant to a power conferred in that behalf by this Constitution or any other law—	
	A	Shall be laid before Parliament;	
	B	Shall be published in the Gazette on or before the day they are so laid before Parliament;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	Shall come into force at the expiration of a period of twenty-one days of being so laid unless Parliament, before the expiration of the said period of twenty-one days, annuls any such orders, rules or regulations by the votes of not less than two-thirds of the Members of Parliament.	
<b>CHAPTER XIII — MISCELLANEOUS</b>			
<b>Interpretation.</b>			
<b>Cap. 61</b>	171(1)	In this Constitution unless a contrary intention appears—	
		Chiefdom Council means a Chiefdom Council constituted under the Chiefdom Councils Act;	
		Commission of Inquiry includes a committee of inquiry;	
		Constitutional instrument means an instrument made under a power conferred in that behalf by this Constitution;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		Court means any court of law in Sierra Leone including 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 rules of law;	
Act No. 20 of 1963		Local Court means a Court established by or under the Local Courts Act, 1963;	
		Oath includes an affirmation;	
		The President means the President of the Republic;	
		Public Emergency includes any period during which	
	A	Sierra Leone is at war; or	
	B	There is in force a Proclamation issued by the President under subsection (1) of section 29; or	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	There is in force a Resolution of Parliament made under subsection (3) of section 29;	
		Public office includes an office the emoluments attaching to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament;	
		Public officer means a person holding or acting in a public office;	
		Public service means, subject to the provisions of subsections (3) and (4), 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;	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		Session means the sittings of Parliament 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 First Schedule;	
		Statutory Instrument means any proclamation, regulation, order, rule or other instrument (not being an Act of Parliament) having the force of law;	
Act No. 7 of 1964			
		The Sierra Leone Police means the Police Force established under the Police Act, 1964;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		Witting means a period during which Parliament is sitting continuously without adjournment including any period during which Parliament is in committee.	
	171(2)	In this Constitution unless a contrary intention appears—	
	A	Words importing male persons shall include female persons and corporations;	
	B	Words in the singular shall include the plural, and words in the plural shall include the singular;	
	C	Where a word is defined, other parts of speech and tenses of that word shall have corresponding meanings;	
	D	Words directing or empowering a public officer to do any act or thing, or otherwise applying to him by the designation of his office, shall include his successors in office and all his deputies or all other assistants;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	E	Words directing or empowering a Minister to do an act or thing or otherwise applying to him, by the designation of his office, shall include a Minister acting for him, or if the office is vacant a Minister designated to act in that office by or under the authority of an Act of Parliament and also his successors in office or all his deputies or other assistants.	
	171(3)	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 Fund or any other public fund of Sierra Leone, and service in the office of a member of the Sierra Leone Police Force.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	171(4)	In this Constitution "the public service" does not include service in the office of President, Vice-President, Speaker, Minister, Deputy Minister, Attorney-General and Minister of Justice, Deputy Speaker, Member of Parliament, or 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 Paramount Chief, Chiefdom Councillor or member of a Local Court.	
	171(5)	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; and	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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.	
	171(6)	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.	
	171(7)	In this Constitution and in any other law—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	The power to appoint any person to hold or to act in any office in the public service shall include the power to confirm appointments, to exercise disciplinary control over persons holding or acting in such offices and to reappoint 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.	
	A	The power to appoint any person to hold or to act in any office in the public service shall include the power to confirm appointments, to exercise disciplinary control over persons holding or acting in such offices and to reappoint 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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	171(8)	Reference in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service;	
		Provided that—	
	A	Nothing in this subsection shall be construed as conferring on any person or authority the power to require a Judge of the High Court, a Justice of Appeal or a Justice of the Supreme Court, the Solicitor-General, the Director of Public Prosecutions or the Auditor-General to retire from the public service; and	
	B	Any power conferred by any law to permit a person to retire from the public service shall, in the case of any public officer who may be removed from office by some person or authority other than a Commission, established by this Constitution, be vested in the Public Service Commission.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	171(9)	In this Constitution, reference to a subsection, paragraph, sub-paragraph or item shall be construed as reference to a subsection, paragraph, sub-paragraph or item of the section, subsection, paragraph or sub-paragraph as the case may be in which the reference is made.	
	171(10)	Any provision in this Constitution that vests in any person or authority the power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officers on attaining an age specified by or under that law.	
	171(11)	Where any power—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	Is conferred by this Constitution to make any order, regulation, rule or pass any resolution or give any direction or make any declaration or designation, it shall be deemed to include the power, exercisable in like manner and subject to the like conditions, if any, to amend or revoke any such order, regulation, rule, constitutional or statutory instrument, resolution, direction, declaration or designation as the case may be;	
		Provided that nothing in this subsection shall apply to the power to issue a certificate conferred by paragraph (b) of subsection (6) of section 50 of this Constitution.	
	B	Is given to any person or authority to do or enforce the doing of any act or thing, all such powers shall be deemed to be also given as are necessary to enable that person or authority to do or enforce the doing of the act or thing.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	171(12)	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.	
	171(13)	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.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	171(14)	Where, under any provision of this Constitution, any person or authority authorised or required to exercise any function after consultation with some other person or authority, the person or authority shall not be required to act in accordance with the advice of that other person or authority, and the question whether such consultation was made shall not be inquired into in any court.	
	171(15)	This Constitution shall be the supreme law of Sierra Leone and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void and of no effect.	
Legislation.			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	172(1)	Any reference in this Constitution to a law made before 27th April, 1961, shall, unless the context otherwise requires, be construed as a reference to that law as it had effect immediately before the coming into effect of this Constitution.	
	172(2)	Any reference in this Constitution to a law that amends or replaces any other law or any provision of any other law shall be construed as including a reference to a law that modifies, re-enacts, with or without amendment or modification, suspends, repeals, adds new provision, or makes different provisions in lieu of that other law or that provision.	
	172(3)	It is hereby declared that—	
	A	Any power to make laws conferred by this Constitution includes power to make laws having extra-territorial operation;	
	B	Any reference in this Constitution to the functions of the President includes reference to his functions as Commander-in-Chief of the Armed Forces of the Republic;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	C	The functions of the Commander-in-Chief of the Armed Forces of the Republic shall be such as may be prescribed by Parliament.	
Consequential provisions			
	173	The provisions of any Consequential Provisions Act made under this Constitution and of any Act relating to citizenship shall not be amended, repealed, re-enacted or replaced unless the Bill incorporating such amendments, repeal, re-enactment or replacement is supported at the final vote thereupon by the votes of not less than two-thirds of the Members of Parliament.	
<b>CHAPTER XIV — TRANSITIONAL PROVISIONS</b>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Existing Constitution Act No. 12 of 1978.			
	174	In this Chapter "the existing Constitution" refers to the Constitution of Sierra Leone, 1978.	
Effects of Transitional Provisions.			
	175	The transitional provisions of this Constitution shall have effect notwithstanding anything to the contrary contained in this Constitution or any other law.	
Existing Law.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	176	In this Chapter, the expression "existing law" means any Act, rule, regulation, order or other such instrument made in pursuance of, or continuing in operation under, the existing Constitution and having effect as part of the laws of Sierra Leone or of any part thereof immediately before the commencement of this Constitution or any Act of the Parliament of the United Kingdom or Order of Her Majesty in Council so having effect and may be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution as if it had been made under this Constitution.	
Application of existing law.			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	177(1)	The existing law shall, notwithstanding the repeal of the Constitution of Sierra Leone Act, 1978, 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.	
Act No. 12 of 1978.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	177(2)	Where any matter that fails to be prescribed or otherwise provided for under this Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section), or is otherwise prescribed or provided for immediately before the commencement of this Constitution by or under the existing Constitution, that prescription or provision shall, as from the commencement of this Constitution, have effect with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution as it had been made under this Constitution by Parliament or, as the case may require, by the other authority or person.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	177(3)	Subject to the approval of Parliament, the President may, by order made after the commencement of this Constitution but before the first dissolution of Parliament under this Constitution, make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Constitution or otherwise for giving effect or enabling effect to be given to the provisions of this Constitution.	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	177(4)	The provisions of this section shall be without prejudice to any powers conferred by this Constitution or by any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.	
Preservation of existing offices.			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	178(1)	Where any office has been established by or under the existing Constitution or any existing law, and this Constitution establishes or provides for the establishment of a similar or an equivalent office including the office of President, Vice-President, Minister, Member of the Cabinet, Attorney-General and Minister of Justice, Deputy Minister or any person who, immediately before the commencement of this Constitution, holds or is acting in the former office shall, so far as is consistent with the provisions of this Constitution, be deemed as from the commencement of this Constitution to have been appointed, elected or otherwise selected to hold or act in the latter office in accordance with the provisions of this Constitution:	
		Provided that—	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	A	any person who under the existing Constitution or any existing law would have been required to vacate his office at the expiration of any period or on the attainment of any age shall vacate his office at the expiration of that period or on the attainment of that age;	
	B	No alteration made in the functions, powers or duties of any office by this Constitution shall entitle the holder thereof for the purpose of any law with respect to pensions benefits to be treated as if his office had been abolished.	
	178(2)	The person who holds the office of President of the Republic of Sierra Leone immediately before the coming into force of this Constitution shall continue to be the President of the Republic of Sierra Leone after the commencement of this Constitution until the first Presidential election is held under this Constitution;	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		Provided that the period served after the commencement of this Constitution shall not count as a term or part of a term for the purposes of subsection (1) of section 46.	
	178(3)	The offices of Vice-Presidents under the existing Constitution shall remain in force until the first dissolution of Parliament under this Constitution.	
	178(4)	Any person who, by virtue of this section is deemed as from the commencement of this Constitution to have been appointed, elected or otherwise selected to hold or act in any office shall also be deemed as from the commencement of this Constitution to have been appointed, elected or otherwise selected to hold or act in that office, and shall also be deemed to have taken and subscribed any necessary oath under this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	178(5)	The High Court of Justice established under the provisions of subsection (4) of section 120 of this Constitution shall be the successor to the High Court in being immediately before the coming into force of this Constitution.	
	178(6)	The Court of Appeal established under the provisions of subsection (4) of section 120 of this Constitution shall be the successor to the Court of Appeal in being immediately before the coming into force of this Constitution; and accordingly the Court of Appeal as established by this Constitution shall be bound to follow the decisions on questions of law binding on the Court of Appeal as it existed immediately before the coming into force of this Constitution.	
	178(7)	The Supreme Court established under the provisions of subsection (4) of section 120 of this Constitution shall be the successor to the Supreme Court in being immediately before the coming into force of this Constitution.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	178(8)	The persons who immediately before the entry into force of this Constitution were Justices of the Supreme Court, or Justices of the Court of Appeal, Judges of the High Court established under Chapter VI of the existing Constitution shall be deemed to have been appointed respectively Justices of the Supreme Court, Justices of the Court of Appeal and Judges of the High Court established by this Constitution.	
	178(9)	The person who immediately before the entry into force of this Constitution held the office of Chief Justice of the Judiciary established under sections 100 and 101 of the existing Constitution shall be deemed to have been appointed Chief Justice, and a Justice of the Supreme Court under this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	178(10)	A person who is a member of the Public Service Commission established by the existing Constitution may, notwithstanding that by reason of his having held or been nominated for election to any office before the coming into effect of this Constitution, he is disqualified to be appointed as a member of the Public Service Commission established by this Constitution, continue in office under this section as a member of that Commission and be re-appointed thereto upon the expiration of his term of office.	
	178(11)	In this Chapter, "pensions benefits" means any pensions, compensations, gratuity, or other like allowances for the holder of that office in respect of his service as a public officer or for the widow, children, dependants or personal representative of such holder in respect of such service, whether or not accruing from a contributory basis.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	178(12)	Reference in this Chapter to the law with respect to pensions benefits includes, without prejudice to their generality, references to the law regulating the circumstances in which such benefits may be granted or in which the grant of such benefits may be refused, the law regulating the circumstances in which any such benefits that have been granted may be withheld, reduced in amount or suspended, and the law regulating the amount of any such benefits.	
	178(13)	Notwithstanding anything contained in this Constitution to the contrary, any Commission or Committee of Inquiry in existence immediately before the coming into force of this Constitution may continue in existence until the submission of its report or otherwise dissolved according to law.	
Existing Parliament.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	179(1)	The Parliament constituted by the existing Constitution (hereinafter referred to as "the existing Parliament") shall be deemed to be the Parliament at the commencement of this Constitution and the existing Members shall be deemed Members thereof and the said Parliament shall stand dissolved not later than twelve months after the commencement of this Constitution.	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	179(2)	<p>The Constituencies into which Sierra Leone was divided immediately before the commencement of this Constitution and until other provision is made in that behalf in accordance with this Constitution shall be deemed to be the Constituencies into which Sierra Leone is divided in pursuance of section 38 of this Constitution; and the persons who immediately before the commencement of this Constitution are the elected members of the existing Parliament representing these constituencies shall be deemed as from the commencement of this Constitution to have been elected to Parliament in accordance with provisions of this Constitution as the elected Members representing the respective constituencies corresponding to those constituencies and shall hold their seats in accordance with the provisions of subsection (1).</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	179(3)	The registers of voters having effect immediately before the commencement of this Constitution for the purposes of elections to the existing Parliament shall, as from the commencement of this Constitution, have effect as if they have been compiled in pursuance of this Constitution.	
	179(4)	The persons who, immediately before the commencement of this Constitution, are Members of Parliament appointed by the President pursuant to the provisions in paragraph (c) of subsection (1) or section 43 of the existing Constitution, shall be deemed as from the commencement of this Constitution to be Members of Parliament until the dissolution of Parliament in accordance with the provisions of subsection (1) of this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	179(5)	The persons who, immediately before the commencement of this Constitution are the Speaker and the Deputy Speaker of the existing Parliament shall be deemed as from the commencement of this Constitution to have been elected as Speaker and Deputy Speaker of Parliament in accordance with the provisions of this Constitution and shall hold office in accordance with those provisions.	
	179(6)	Until Parliament otherwise provides, any person who holds or acts in any office, the holding of which would under the existing law be a disqualification for election to Parliament, shall be deemed not to be so disqualified as though provisions in that behalf had been made in pursuance of this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	179(7)	The Standing Orders of the existing Parliament as in force immediately before the commencement of this Constitution shall until it is otherwise provided by Parliament, be the Standing Orders of Parliament, but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.	
	179(8)	Any person who, by virtue of this section, is deemed as from the commencement of this Constitution to have been elected as Speaker or any other Member of Parliament shall be deemed to have taken and subscribed any necessary oath under this Constitution.	
Delegated powers and inquiries.			





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	180(1)	Any power that immediately before the commencement of this Constitution is vested in an existing public service authority (that is to say, for example, the President or the Public Service Commission) established by the existing Constitution, and that, under the existing Constitution, is then delegated to some other person or authority shall, as from the commencement of this Constitution and so far as is consistent with the provisions of this Constitution, be deemed to have been delegated to such person or authority in accordance with those provisions.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	180(2)	Any matter that, immediately before the commencement of this Constitution, is pending before an existing public service authority shall, so far as is consistent with the provisions of this Constitution, be continued before the corresponding public service authority established by this Constitution, and any matter that, immediately before the commencement of this Constitution, is pending before a person or authority to whom power to deal with that matter has been delegated by an existing public service authority shall, so far as is consistent with the provisions of this Constitution, be continued before the person or authority to whom that power was delegated;	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		<p>Provided that, where the hearing of a disciplinary proceeding has begun but has not been completed immediately before the commencement of this Constitution, the continued hearing shall not be held before any person unless the hearing that has already taken place was also held before him; and where, by virtue of this provision, the hearing cannot be continued it shall be recommenced.</p>	
<p>Continuation of matters.</p>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	181	Where any matter or thing has been commenced before the coming into force of this Constitution by any person or authority having power in that behalf under the existing law, that matter or thing may be carried on and completed by the person or authority having power in that behalf on or after such commencement and it shall not be necessary for any such person or authority to commencement any such matter or thing de novo.	
Legal proceedings.			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	182	Subject to the provisions of sections 183 and 184 legal proceedings pending immediately before the coming into force of this Constitution before any Court, including civil proceedings by or against the Government, shall not be affected by the coming into force of this Constitution and may be continued accordingly.	
<b>Appeals.</b>			
	183	. Any proceedings pending immediately before the entry into force of this Constitution before the existing High Court or any proceedings on appeal from that Court so pending before the existing Court of Appeal before the Supreme Court may be continued after the entry into force of this Constitution before the High Court or the Court of Appeal or the Supreme Court established by this Constitution as the case may be.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Jurisdiction of Courts.			
	184(1)	On and after the 14th day of June 1978, no Court having jurisdiction under the laws of Sierra Leone shall, by virtue of the Colonial and Other Territories (Divorce Jurisdiction) Act, 1926 to 1950, have jurisdiction to make a decree for the dissolution of a marriage, or as incidental thereto to make an order as to any matter, unless proceedings for the decree were instituted before the commencement of this Constitution.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	184(2)	Except as provided by subsection (1) and subject to any provision to the contrary which may be made on or after the commencement of this Constitution by or under any law made by any legislature established for Sierra Leone, all courts having jurisdiction under the laws of Sierra Leone shall on and after that day have the same jurisdiction under the said Acts as they would have had if this Constitution had not been passed.	
	184(3)	The reference in subsection (1) to proceedings for the dissolution of a marriage includes references to proceedings for such a decree of presumption of death and dissolution of marriage as is authorised by section 1 of the Matrimonial Causes Act, 1950.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Finance			
	185	The Public Funds known as the Consolidated Fund and the Contingencies Fund established by the existing Constitution shall respectively continue in being as the Consolidated Fund and the Contingencies Fund established respectively by sections 111 and 116 of this Constitution.	
Financial Authorization.			
	186	Every payment required or authorised to be made out of a Public Fund under any law in force immediately before the commencement of this Constitution is hereby charged on that Fund.	
Official Seals, etc.			





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	187	The Public Seal, the seals of the High Court, the Court of Appeal and the Supreme Court, together with any duplicates thereof and any other official seal, as well as any prescribed forms in use under any law in force immediately before the commencement of this Constitution may be employed on and after that date by the corresponding authorities under any law in force at the said commencement and contained in the existing law.	
Continuation of the Police Forces Act No. 7 of 1964.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	188	The Sierra Leone Police Force established by the Police Act, 1964 and in being immediately before the commencement of this Constitution shall continue in being thereafter and be deemed to be the Police Force of the Republic of Sierra Leone and any law in force immediately before the commencement of this Constitution in relation to the said Police Force shall have effect accordingly.	
Continuation of the Military Forces Act No. 34 of 1961.			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	189	The Republic of Sierra Leone Military Forces established by the Sierra Leone Military Forces Act, 1961 in being immediately before the commencement of this Constitution shall continue in being thereafter and be deemed to be the Military Forces of the Republic of Sierra Leone, and any law in force immediately before the commencement of this Constitution in relation to the said Military Forces shall have effect accordingly.	
Repeal of Act No. 12 of 1978 and Savings			
	190	The Constitution of Sierra Leone, 1978 is hereby repealed in so far as it affects the laws of Sierra Leone:	



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		Provided that notwithstanding such repeal, all laws made by virtue of any authority therein contained shall remain in full force and effect to the same extent as if that Constitution had not been repealed.	
<b>Reprint.</b>			
	191	The President may within a period of three years from the coming into force of this Constitution cause these provisions to be reprinted and published without the transitional provisions in this Constitution.	
<b>Commencement of Act No. 6 of 1991</b>			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	192	This Act shall come into operation on the 1st day of October, 1991, following the issuance of a certificate by the Speaker in the form set out in the Fourth Schedule that the provisions of section 55 or the existing Constitution have been complied with.	
FIRST SCHEDULE TERRITORY OF SIERRA LEONE			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		<p>The area in West Africa lying between the sixth and tenth degrees of north latitude and the tenth and fourteenth degrees of west longitude and bounded on the north by the boundary line delimited under the provisions of the Anglo-French Convention dated the twenty-eight day of June, 1882, the Anglo-French Agreement dated the twenty-first day of January, 1895, and the notes exchanged between His Britannic Majesty's Principal Secretary of State for Foreign Affairs and the Ambassador of the French Republic, and dated the sixth day of July, 1911, and on the South by the Anglo-Liberian boundary line delimited under the provisions of the Anglo-Liberian Conventions dated the eleventh day of November, 1885 and the twenty-first day of January, 1911.</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
SECOND SCHEDULE PRESIDENT'S OATH			
		I discharge the duties of the office of the President of the Republic of Sierra Leone according to law, that I will preserve, support, uphold, maintain and defend the Constitution of the Republic of Sierra Leone as by law established, and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will. (So help me God.)	
THIRD SCHEDULE			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		Oath of the Vice-President, Ministers and Deputy Ministers, Attorney-General and Minister of Justice, Secretary to the President, Secretary to the Cabinet, Solicitor-General, Director of Public Prosecutions, Members of the Electoral Commission, the Speaker, Members of Parliament, Auditor-General, Members of the Public Service Commission, the Chief Justice and Judges of the Superior Court of Judicature, Members of the Judicial and Legal Service Commission, Members of the Police Council, Members of the Defence Council.	
OATH OF THE SPEAKER			





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		<p>"I do hereby (in the name of God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of sierra Leone as by law established; that I will faithfully and conscientiously discharge my duties as Speaker of Parliament, and that I will do right to all manner of people in accordance with the Constitution of Sierra Leone and uphold the laws and customs of Parliament without fear or favour, affection or ill-will. (So help me God.)"</p>	
<p><b>OATH OF MEMBER OF PARLIAMENT</b></p>			



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		<p>"I having been elected a Member of Parliament do hereby (in the name of God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Sierra Leone as by law established, that I will uphold and defend the Constitution of Sierra Leone, and that I will faithfully and conscientiously discharge the duties of a Member of Parliament. (So help me God.)"</p>	
<p><b>THE JUDICIAL OATH</b></p>			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		<p>"I do hereby (in the name of God swear) (solemnly affirm) that I will faithfully and truly discharge the duties of the office of _____ and that I will support and uphold the Constitution of Sierra Leone as by law established, and that I will do right to all manner of people after the laws and usages of Sierra Leone without fear or favour, affection or ill-will. (So help me God.)"</p>	
<p><b>FOURTH SCHEDULE</b></p>			
<p><b>DECLARATION OF COMPLIANCE</b></p>			



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
		<p>I William Niaka Stephen Conteh, Officer of the Order of the Republic of Sierra Leone, Speaker of the Parliament of Sierra Leone, do hereby certify that a Bill entitled "The Constitution of Sierra Leone, 1991" was first introduced by the Honourable Abdulai Osman Conteh, Officer of the Order of the Republic of Sierra Leone, Attorney-General and Minister of Justice of Sierra Leone in the Fifth Session of the Third Parliament of Sierra Leone on the 4th day of June, 1991, then passed the First Reading, the Second Reading and the Committee Stage (with certain amendments made thereto) and that on the 1st day of July, 1991 the said Honourable Abdulai Osman Conteh Officer of the Order of the Republic of Sierra Leone</p>	





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		<p>Content, Chief of the Order of the Republic of Sierra Leone, Attorney-General and Minister of Justice of Sierra Leone, reported to the House that the Bill entitled "The Constitution of Sierra Leone, 1991" passed the House with certain amendments. I further certify that on the 3rd day of August 1991, the said bill entitled "The Constitution of Sierra Leone, 1991" in accordance with the provisions of sub-section (3) of Section 55 of the Constitution of Sierra Leone, 1978 (Act No. 12 of 1978), has been submitted to and been approved at a Referendum conducted on the 23rd, 26th, 28th and 30th days of August, 1991 and been approved with the majority required under sub-section (4) of Section 55 of the Constitution of Sierra Leone, 1978. I further certify that all the appropriate provisions of Section 55 of the Constitution of Sierra Leone, 1978 have been complied with and that the said Bill entitled "The Constitution of Sierra Leone, 1991" may therefore be submitted to His Excellency the President for his assent and signature.</p>	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
		W.N.S. CONTEH	
		Speaker.	
		M.T. BETTS-PRIDY	
		Acting Clerk of Parliament.	Acting Clerk of Parliament.
		Given under my hand this 3rd day of September, 1991.	
		Passed in Parliament this 1st day of July, in the year of our Lord one thousand nine hundred and ninety-one.	
		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 correctly printed copy of the said Bill.	
		M.T. BETTS-PRIDY	
		Acting Clerk of Parliament.	



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
<b>FURTHER PROPOSALS by Peter L. Tucker Report</b>			
<b>THE SENATE RATIONALE:</b>			
	98		To involve in the legislative process persons of proven ability and record of valuable service to the nation.
	99		To remove from the House of Representatives persons who are not elected by popular ballot in a public election.
	100		To provide for a cooling off period when controversial legislation is being passed by Parliament.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	101		To involve persons with the experience and knowledge to participate in the work of the Appointments Committee of Parliament.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	102		<p>In this review of the Constitution, we have again considered the position of Paramount Chiefs in Parliament and come to the conclusion that it is undesirable and unusual in a modern democracy to have a group of members who are elected by a narrowly based electoral college. Therefore, in our view, the Paramount Chief block in Parliament should be removed. However, Paramount Chiefs play a vital role in the administration of Sierra Leone and generally represent the people. It would be both unwise and undesirable to deprive them of political participation in the national political system. A Senate is in our view, the place where they should be, because of their elevated status in their communities and it enables them to participate in the legislative process without being aligned to any political party.</p> <p>It is not Paramount Chiefs alone whose participation in national politics would be beneficial to Sierra Leone. There are large numbers of people who are</p>



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
COMPOSITION AND FUNCTIONS OF THE SENATE			
	103		The Senate shall consist of forty-four members and shall comprise the following:
	(a)		Twelve Paramount Chiefs representing their Districts;
	(b)		A former Mayor of the Municipality of Freetown;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(c)		Six persons to be appointed by the President in consultation with the House of Representatives from among persons nominated by recognized Professional Associations and four to be nominated by Civil Society Organizations, appointed by the President, in consultation with the House of Representatives;
	(d)		The following persons shall be appointed by the President in consultation with the House of Representatives:
	i.		One of the persons who have held the office of President of the Republic of Sierra Leone;
	ii.		One of the persons who have held the office of Vice President of the Republic of Sierra Leone;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	iii		One of the persons who have held the office of Chief Justice;
	iv		One of the persons who have held the Office of Speaker of Parliament/House of Representatives;
	vii.		One of the persons who have held the office of Commander of the Armed Forces;
	viii		One of the persons who have held the office of Inspector-General of Police;
	ix.		One of the persons who have held a high-ranking public office;
	x		Two persons who are high-ranking clerics in the Inter-religious Council of Sierra Leone, one representing the Muslims community and the other Christian community.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(e)		Ten persons appointed by Women Organizations from among women of proven eminence and merit, who have distinguished themselves in businesses or politics or in their professions, and have made significant contributions to the development of the nation.
	(f)		The Senate shall elect:
	i		The President of the Senate; and
	ii.		The Deputy President of the Senate
	(g)		The President of the Senate shall preside at every meeting of the Senate and in his absence the Deputy President.
	(h)		In the absence of both the President and the Deputy, a member of the Senate elected by the Senators shall preside at meetings.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(i)		The quorum for meetings shall be one-fourth of all the members of the Senate.
	(j)		The Senate shall meet for the dispatch of business at least six times in a year at such time and place as the President may determine.
	(k)		The Senate shall also meet if requested by:
	i.		The House of Representatives, and
	ii.		Not less than one-third of all the members of the Senate.
	(l)		The Senate shall hold its meetings in public but may hold it in camera whenever it considers it appropriate.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	(m)		A question for decision by the Senate shall not be proposed for determination unless there are present in the Senate more than one-half of all the members of the Senate.
	(n)		Except as otherwise provided for in this Constitution, the question proposed shall be determined by the majority of the members present and voting.
	(o)		The Senate may at any time appoint any committee it considers appropriate, and assign to it any matter or investigation which the Senate may determine.
	(p)		The Senate may commission experts and consultants to advise it or to assist in dealing with any specific issue on such terms and conditions as it may determine.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(q)		Subject to the provisions of the Revised Constitution, the Senate may regulate its own procedure.
	(r)		The Senate shall perform such other functions as may be assigned to it by the Constitution or any other law not inconsistent with this Constitution.
	(s)		Members of the Senate shall enjoy the same immunities extended to Members of Parliament.
	104		The Senate shall have the power to:
	(a)		Review all Bills passed by the House of Representatives within a month and forward them to the House of Representatives with their comments;
	(b)		Consider and approve or otherwise, matters referred to it by the House of Representatives;





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(c)		Consider and approve or otherwise, in a joint committee of both houses, in respect of any appointment which is required by this Constitution or any other law relating to the same to be made with their approval or on their advice, which decision shall be given not later than thirty days after the receipt of the request from the President or other authority.
Tenure of Office	(d)		Proposed amendments and initiate Bills for the Consideration of the House of Representatives.
			Six years subject to renewal for not more than one term.
Finances:			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			Sitting fees and other allowances shall be determined by the Executive and paid from the Consolidated Fund.
<b>PARLIAMENTARY SERVICE COMMISSION</b>			The Senate shall be serviced by the Parliamentary Service Commission.
	105(1)		A Commission which shall be known as the Parliamentary Service Commission shall be established under this Constitution.
	2		The Commission shall consist of –
	a)		The Speaker, who shall be the Chairman; and
	b)		Fourteen other members of the House of Representatives and the Senate in the proportion of 8:6.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	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 or appointed.
	5.		Parliament shall enact legislation to determine the functions of the Commission, the appointment and conditions of service of the Commission and any other matter necessary for the smooth operation of the Commission.
LOCAL COURT SERVICE COMMITTEE			



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	125		The Commission saw the need for the establishment of a Local Court Service Committee on each province, with the responsibility of being the Principal Adviser to the Chief Justice on issues relating to appointments, transfers, promotions, dismissals and general discipline of members, officers and servants of Local Courts. The proposed draft nowreads:
Local Courts Service Committee			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	125(1)		There shall be established in each Province, a Local Courts Service Committee, which shall advise the Chief Justice on appointments, transfers, promotions, dismissals and general discipline of members, officers and servants of Local Courts.
	125(2)		A Local Courts Service Committee shall consist of –
	(a)		The resident Judge of the Province who shall be the Chairman;
	(b)		Paramount Chief representing the Council of Chiefs of the Province;
	(b)		A Paramount Chief representing the Council of Chiefs of the Province;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(c)		A representative of the Attorney-General;
	(d)		A representative of the Ministry responsible for local Government;
	(e)		The Provincial Secretary; and
	(f)		A person having experience in the administration of Local Courts.
	125(3)		The members of each Local Court Service Committee shall be appointed by the President, after due regard to the need for the participation of women.
	125(4)		A member of a Local Courts Service Committee appointed pursuant to paragraphs
	(a)		shall hold office for a period of three years and thereafter shall be eligible for re-appointment for not more than one more term:



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(b)		May be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; and;
	(c)		Shall not be removed from office except in accordance with the provisions of this subsection.
	125(5)		A member of a local Courts Service Committee shall, before assuming the functions of his office, take and subscribe before the President the oath as set out in the Third Schedule to this Constitution.
Appointment Of members,			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	125(6)(1)		other members of Local Courts, Clerks, Bailiffs and other officers and servants of Local Courts shall be made by the Chief Justice, acting on the advice of the relevant Local Courts Service Committee.
	125(2)		Every candidate for appointment for any of the positions in subsection (2) shall be required to produce a reference from the Paramount Chief or Chiefdom Council of the Chiefdom where he is seeking the appointment.





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	125(3)		The Chief Justice may by statutory instrument prescribe the terms and conditions of service of members, officers and servants, of Local Courts and of every Local Court Service Committee established by this Constitution.
CHAPTER X – HUMAN RIGHTS COMMISSION			
	129		The Human Rights Commission is hereby established in this Constitution. Immediately after the revised Constitution comes into effect, Parliament shall pass a legislation setting out the composition and functions of the Human Rights Commission.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			No member of the Human Rights Commission shall be removed from office without the approval of two-thirds of the votes of all the Members of Parliament in favour of the removal.
CHAPTER XI – LOCAL GOVERNMENT			
	130		The Commission also recommended the addition of a new Section 73 which shall now read;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			Local Government, through democratically elected Local Councils is hereby recognised and established. Its composition, functions and administration shall be determined from time to time by Parliament.
CHAPTER XII – COMMISSIONS OF INQUIRY			



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	131.		The Commission observed, with great concern that functions given to institutions by the Constitution are not carried out. Even though Section 150 of the Constitution empowers the Rules of Court Committee to make rules regulating the practice and procedure of Commissions of Inquiry, it has failed to do so.
CHAPTER XV – THE PRISONS SERVICE COUNCIL			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	137		The Prison Service is an important component of the justice system and should be brought in line with the others by having its own service council. We believe that this will not only give a boost to the service but also go a long way towards improving its performance and conditions of service.
<b>Prisons Service Council</b>			
	1(a)		There shall be a Prisons Service of Sierra Leone
	(b)		The Prisons Service shall be equipped and maintained to perform its traditional role efficiently.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	2		There shall be established a Prisons Service Council which shall consist of:-
	(a)		The Vice President, who shall be Chairman;
	(b)		The Minister responsible for Internal Affairs;
	(c)		The Director-General of the Prisons Service;
	(d)		A Medical practitioner nominated by the Sierra Leone Medical and Dental Associations;
	(e)		A Lawyer nominated by the Sierra Leone Bar Association;
	(f)		The Attorney-General or his representative;
	(g)		The Minister or a representative of the Ministry of Social Welfare, Gender and Children's Affairs;
	(h)		Two representatives from the inter-Religious Council;
	(i)		The Government Psychiatrist;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(j)		One member appointed by the President
	(k)		The Chairman of the Civil Service Commission;
	(l)		A representative of the National Human Rights Commission; and
<b>The Director General</b>	(m)		A person with adequate background in counselling and social work.
	3 (a)		The Director-General of the Prisons Service shall, subject to the
			Provisions of this article and to the control and direction of the Prisons Service
<b>Appointment Prisons</b>			Council, be responsible for the operational control and the administration of the Prisons Service.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	04. (a)		Subject to the provisions of this Constitution, the power to appoint to the persons to hold or to act in an office in the Prisons Service shall vest in the Service President, acting in accordance with the advice of the Prisons Service Council
	(b)		The President may, subject to such conditions as he thinks fit, delegates some of his functions under this article by directions in writing to the Prisons Service Council or to a Committee or a Member of the Council.
Functions of the Prisons Council			





Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	5(a)		The Prisons Service Council shall advise the President on matters of policy relating to the organization and maintenance of the Prisons Service, prisons budgeting and finance, administration and the promotion of officers above the rank of Assistant Director of Prisons.
	(b)		The Prisons Service Council may, with the prior approval of the President, by Constitutional instrument, make regulations for the performance of its functions under this Constitution or any other law and for the effective and efficient administration of Prisons and Prisons service.
	(c)		Regulations made under clause (2) of this article shall include provisions relating to –



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(i)		The control and administration of Prisons and Prisons Service;
	(ii)		The rank of officers and men of the Prisons Service, the members of each rank and the use of uniforms by the member;
	(iii)		The conditions of service including those relating to enrolment, salaries, pensions, gratuities and other allowances of officers and men;
	(iv)		The authority and powers of command of the officers and men of the Prisons Service;
	(v)		The delegation to other persons of powers to discipline persons and the conditions subject to which delegations may be made;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(vi)		The parole system and the periodic review of the conditions of prisoners and all other persons in legal custody at intervals of not more than one year;
	(vii)		The conditions under which persons may be admitted into prisons;
	(viii)		The making of reports of unjustified treatment of, and cruelty to, prisoners and persons in legal custody and the manner in which the reports should be dealt with;
	(ix)		The appointment and composition of welfare committees for prisons and discharged prisoners and other persons released from legal custody;
	(x)		Ready access by lawyers to prisoners and other persons in legal custody; and



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	xi)		Such measures, generally, to ensure humane treatment and welfare of prisoners and other persons in legal custody, including the provision of literature and writing materials.
<b>Regional Prisons Committees</b>			
	6		There shall be established for each region a Regional Prisons Committee which shall consist of:
	(a)		The Resident Minister appointed for the region, who shall be Chairman;
	(b)		The most senior member of the Prisons Service in the region;
	c)		Representative of the Attorney-General;





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	(d)		Lawyer practising in the region nominated by the Sierra Leone Bar Association;
	(f)		A medical practitioner in the region nominated by the Sierra Leone Medical and Dental Association;
	(g)		The Regional Director of Social Welfare;
	(h)		Two representatives of such religious bodies as the Regional Minister may deem fit to appoint;
	(i)		One Paramount Chief appointed from the region; and
	(ii)		The Regional Police Commander.



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	7(2)		A Regional Prisons Committee shall advise the Prisons Service Council and the Director-General of the Prisons Service on any matter relating to the administration of prisons and of the Prisons Service in the region.
	138		The Commission recommended the establishment of an Extractive Industries Transparency Commission aimed at ensuring that the country derives maximum benefit from its extractive industries and similar entities.



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
			Subject to the provisions of this Constitution, Parliament shall, not later than twelve (12) months from the commencement of this Constitution, enact legislation to establish the Extractive industries Transparency Commission (EITC). The text of the Commission reads:
			The Act shall determine the composition and functions of the Commission, which shall include the following:
	(a)		To ensure due process and transparency in the payments made by extractive industries and other entities to the Sierra Leone Government and its agencies;
	(b)		To ensure accountability in the revenue receipts of the Sierra Leone Government from extractive industries and other entities;



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(c)		To eliminate all forms of corrupt practices in the determination, payments, receipts and posting of revenue accruing to the Sierra Leone Government from extractive industries and other entities; and
CHAPTER XVII – INDEPENDENT FORCES COMPLAINTS COMMISS	(d)		To ensure the provision of adequate funds for the regeneration and restoration of the environment.





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	139		The Commission saw the need for Government to create an Independent Forces Complaints Commission comprising mostly of civilians, who would look into all complaints against the Police and the Armed Forces. The Commission believed that such an institution would encourage affected persons to lodge complaints against the Police and the Armed Forces.
NON- GOVERNMENTAL ORGANIZATIONS (NGOS) REGULATORY BOARD			



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	140		The Constitution hereby established a Regulatory Board for Non-Governmental Organizations (NGO).
<b>Establishment</b>			
			Immediately following the commencement of this Constitution the President shall by Constitutional instrument appoint a Regulatory Board with the approval of Parliament, for all NGOs who receive all or some of their funds from abroad or from Government.
<b>Composition</b>			
			The Board shall comprise of:
	(a)		A Chairman
	(b)		A Board member representing the Western Region



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
	(c)		A Board representing the Northern Region
	(d)		A Board representing the Southern Region
	(e)		A Board representing the Eastern Region
	(f)		A Board representing the Consumer Protection Society
	(g)		A Board representing Civil Society Organizations
	(h)		A Board representing Youth Organizations
	(i)		A Registrar, and
<b>Name and Reporting System</b>			A Secretariat



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
			It shall be called the Non-Governmental Organizations Regulatory Board, and it shall report its findings to Parliament quarterly.
Tenure of Office Functions			





Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
			<p>three years, which shall be renewable. The functions of the Board shall be directed at all NGOs including Human Rights Groups, Women’s Organizations, Environmental Movements, Farmers Organizations, Youth Organizations and the Media.</p> <p>Such functions shall include registration of the aforementioned institutions; the provision of support, information and advice about best practices related to improving accountability and governance to the said institutions; collection and provision of information on the said institutions to the public, as well as monitoring and assisting them to ensure compliance.</p>



Chapter	Section	Constitution 1991	Peter Tucker CRC 2008 Commission Report
Funding			
			The Board shall be funded from the Consolidated Fund and from the registration fees. The emoluments received by member of the Board shall be agreed upon between the Board and the Ministry of Finance.
AMENDMENT OF FIRST SCHEDULE			



Chapter	Section	Constituion 1991	Peter Tucker CRC 2008 Comission Report
	141		For uniformity the Commission agreed that the designation “Provincial” and “Western Area” used to describe administrative divisions in the Republic of Sierra Leone be changed to regions. Thus the territorial divisions shall be referred to as Western, Northern, Southern and Eastern Regions.