

Sierra Leone Legal Annex

Reviewed Laws:

- Constitution of Sierra Leone (1991, amended in 2001)
- Anti-Corruption Act (2000)
- Anti-Money Laundering Act (2005) (*)
- Electoral Laws Act (2002) (*)
- Public Procurement Act (2004) (*)

(*) Law(s) reviewed but not containing relevant articles for this study.

Relevant Articles:

Constitution:

Article 76

(1) No person shall be qualified for election as a Member of Parliament---

(...)

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

(...)

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.

(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.

(4) 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 Bo Town Council Act, and the Townships Act or any law amending or replacing any of those laws.

(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.

Article 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
 - 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 bankrupt under any law and has not been discharged; or
 - 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 a 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
 - 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
 - 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.
- (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.

Article 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.

Anti-Corruption Act (2000):

Article 8

(1) Any public officer who solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his---

- a. performing or abstaining from performing or having performed or abstained from performing any act in his capacity as a public officer;
- b. expediting, delaying, hindering or preventing or having expedited, delayed, hindered or prevented, the performance of an act, whether by himself or by any other public officer in his capacity as a public officer; or
- c. assisting, favoring, hindering or delaying or having assisted, favored, hindered or delayed, any person in the transaction of any business with a public body;

is guilty of an offence.

(2) Any public officer, who solicits or without the general or special permission of the President, accepts any advantage, is guilty of an offence and shall, upon summary conviction be sentenced to a fine not exceeding one million leones or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) The general permission of the President is deemed to have been granted for the acceptance of gifts of a customary nature by Paramount Chiefs.

(4) For the purposes of subsection (3), a gift is not of a customary nature unless given in circumstances recognized as appropriate by custom.

Article 17

(1) The Commission may, by writing under the hand of the Commissioner, request any person who---

- a. is under investigation; or
- b. is related to any person who is under investigation; or
- c. is suspected to have or to have had any business or other dealings with any person who is under investigation, under this Act---

to furnish to the investigating officer a statutory declaration or statement in writing enumerating--

- i. any property, moveable or immoveable, as may be specified by the Commission being property belonging to or possessed by or which at any time belonged to or was possessed by such person, his agents or trustees;
- ii. all expenditure incurred by such person in respect of himself, his spouse or spouses, parents, or children with regard to living expenses and other private expenditure during any period specified by the Commission;
- iii. all liabilities incurred by such person, his agents or trustees during the period specified by the Commission and specifying in respect of each such liability whether it was incurred jointly (and if so, with whom) or severally.

(2) The Commission may also request such person or persons as may be specified by it to furnish the investigating officer with a statutory declaration or a statement in writing---

- a. of all income earned during a specified period; and
- b. the tax paid on such income.

(3) Any person specified in paragraph (a) or (b) or (c) or subsection (1) may be requested to furnish to the investigating officer a statutory declaration in writing---

- a. of all moneys or other movable property or properties kept in his home; and
- b. of all moneys or other moveable property or properties sent out of Sierra Leone by him or on his behalf during the period specified by the Commission.

(4) any person requested under subsection (1) to furnish information in respect of his movable or immovable property shall specify in respect of each such property whether it is or was possessed jointly (and, if so, with whom) or severally; and specify the dates upon which each such property was acquired and whether by purchase, gift, bequest, inheritance or otherwise, and where it was acquired by purchase, specifying the consideration paid therefore.

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