Paragraph 12

TABLE III

Age of officer	*Factor where length of service is 10 years or more*	*Age of officer*	*Factor where length of service is 10 years or more*
37	2·82	50	3·31
38	3·22	51	3·11
39	3·56	52	2·91
		53	2·71
40	3·83	54	2·51
41	4·01		
42	4·10	55	2·31
43	4·12	56	2·11
44	4·07	57	1·88
		58	1·58
45	3·97	59	1·25
46	3·85		
47	3·73	60	0·75
48	3·61	61	0·25
49	3·47	62 or more ...	Nil

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for special retirement benefits for officers in the public services of the Western and Eastern Regions of Nigeria in accordance with the recommendations of the Nigeria Constitutional Conference held in London in May and June, 1957, and makes fresh provision for the retirement benefits of officers in the public services of the Federation of Nigeria and the Northern Region of Nigeria.

1958 No. 1259

The Sierra Leone (Constitution) Order in Council, 1958

Made - - - -	*30th July*, 1958
Laid before Parliament	*7th August*, 1958
Coming into Operation	*14th August*, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty

(a) 53 & 54 Vict. c. 37.

vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I
Preliminary

Interpretation

1.—(1) In this Order, unless the context otherwise requires:—

"the appointed day" means the day appointed under section 2 of this Order;

"the Colony" means the Colony of Sierra Leone as defined in the Sierra Leone Colony Letters Patent, 1951 to 1958;

"the Executive Council" means the Executive Council of Sierra Leone;

"the existing Orders" means the Sierra Leone (House of Representatives) Orders in Council, 1956 and 1957(**a**);

"the Gazette" means the Sierra Leone Royal Gazette;

"the Governor" means the Governor, Commander-in-Chief and Vice-Admiral of Sierra Leone and includes the officer for the time being administering the government and, to the extent to which the Deputy Governor is authorized to discharge the functions of the office of Governor by virtue of a direction given under Article 10 of the Sierra Leone Colony Letters Patent, 1951, as set out in Article 5 of the Sierra Leone Colony Letters Patent, 1958, the Deputy Governor;

"law" includes any instrument having the force of law;

"meeting" means any sitting or sittings of the House of Representatives commencing when the House first meets after being summoned at any time and terminating when the House is adjourned *sine die* or at the conclusion of a session;

"Native Court" means a native court constituted in accordance with the provisions of any law in that behalf for the time being in force in Sierra Leone;

"prescribed" means prescribed by law or by regulations made under this Order or made or deemed to have been made under the existing Orders;

"the Protectorate" means the Protectorate of Sierra Leone as defined in the Sierra Leone Protectorate Order in Council, 1951(**b**);

"public office" means any office of emolument in the public service;

"public officer" means the holder of any public office and includes any person appointed to act in such office;

"the Public Seal" means the Public Seal of the Colony;

"the public service" means the service of the Crown in respect of the government of Sierra Leone;

"session" means the meetings of the House of Representatives commencing when the House first meets after the commencement of this Order or after its prorogation or dissolution at any time and terminating when the House is prorogued or is dissolved without having been prorogued;

(**a**) S.I. 1956/1893, 1957/1532 (1956 II, p. 2961; 1957 II, p. 3058).
(**b**) S.I. 1951/610 (1951 II, p. 658).

"Sierra Leone" means the Colony and Protectorate;

"sitting" means a period during which the House of Representatives is sitting continuously without adjournment, and includes any period during which the House is in committee;

"the Supreme Court" means the Supreme Court of Sierra Leone;

"Tribal Authority" means a Tribal Authority constituted in accordance with the provisions of any law in that behalf for the time being in force in Sierra Leone.

(2) Where, in this Order, reference is made to any public officer by the term designating his office, such reference shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office.

(3) References in this Order to Her Majesty's dominions shall have effect as if they included references to all British Protectorates and British Protected States and to all territories administered by the Government of any part of Her Majesty's dominions under the trusteeship system of the United Nations.

(4) Any reference to defence shall, without prejudice to its generality, be construed as including the organisation, discipline, control and use of the armed forces of the Crown and the control and use of any establishments, installations and equipment pertaining thereto.

(5) (*a*) For the purposes of this Order, a person shall not be considered to hold a public office if he is on leave of absence pending relinquishment of that office or by reason only that he is in receipt of a pension or other like allowance in respect of service in any such office; and if it shall be declared by any provision of any law for the time being in force in Sierra Leone that an office shall not be a public office for all or any of the purposes of this Order, this Order shall have effect accordingly.

(*b*) For the purposes of this Order, a person shall not be considered to be a public officer by reason of the fact that he is in receipt of a salary or other emoluments or allowances in respect of his tenure of the office of Speaker, Deputy Speaker, Minister, Ministerial Secretary, member of the House of Representatives, Chief, Tribal Authority, member of a Tribal Authority or member of a Native Court.

(6) For the purposes of this Order, the resignation of a member of any body or holder of any office established by this Order that is required to be addressed to any person shall be deemed to have effect from the time at which it is received by that person:

Provided that in the case of a resignation that is required to be addressed to the Speaker, the resignation shall, if the office of Speaker is vacant or the Speaker is absent from the seat of government, be deemed to have effect from the time at which it is received by the Deputy Speaker on behalf of the Speaker.

(7) This Order shall be construed—

(*a*) as if subsection (1) of section 1 of the India (Consequential Provision) Act, 1949(**a**), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection;

(*b*) as if subsection (2) of section 3 of the British Nationality Act, 1948(**b**), (as interpreted by subsection (1) of section 3 of the Ireland

(**a**) 12, 13 & 14 Geo. 6. c. 92. (**b**) 11 & 12 Geo. 6. c. 56.

Act, 1949(a), and subsection (2) of section 3 of the Ireland Act, 1949 applied to it, as those subsections apply to laws in force on the dates of the commencement of those Acts respectively;

(*c*) as if subsection (1) of section 1 of the Pakistan (Consequential Provision) Act, 1956(b), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

(*d*) as if subsection (1) of section 2 of the Federation of Malaya Independence Act, 1957(c), applied to it in the same way as that subsection applies to existing laws as defined by subsection (4) of that section.

(8) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(d), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

Citation, commencement, revocation and reservation of power

2.—(1) This Order may be cited as the Sierra Leone (Constitution) Order in Council, 1958.

(2) This Order shall be published in the Gazette and shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette, which day shall not be earlier than the 8th day of August, 1958.

(3) The existing Orders are revoked, but without prejudice to anything lawfully done thereunder.

(4) The continued operation of any law in force in Sierra Leone immediately before the appointed day shall not be affected by reason only of the revocation of the existing Orders.

(5) Her Majesty hereby reserves to Herself, Her Heirs and Successors, power, with the advice of Her or Their Privy Council, to revoke, add to or amend this Order, as to Her or Them shall seem fit.

(6) Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of Sierra Leone.

PART II

Executive Council

Executive Council

3.—(1) There shall be an Executive Council in and for Sierra Leone which shall consist of the Governor, who shall be President of the Council, a Premier and not less than seven other Ministers.

(2) The Premier and the other Ministers shall be persons who are Elected Members of the House of Representatives and shall be appointed from time to time in accordance with the provisions of section 6 of this Order.

Functions of Executive Council

4.—(1) The Executive Council shall be the principal instrument of policy and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council, any Instructions

(a) 12, 13 & 14 Geo. 6. c 41. (b) 4 & 5 Eliz. 2. c. 31.
(c) 5 & 6 Eliz. 2. c. 60. (d) 52 & 53 Vict. c. 63.

under Her Majesty's Sign Manual and Signet, or, subject to the provisions of this Order and all such other Orders and Instructions as aforesaid, by or under any other law in force in Sierra Leone:

Provided that the Executive Council shall not exercise any powers in relation to the matters set out in section 16 of this Order.

(2) The Ministers shall be collectively responsible to the House of Representatives.

Exercise of Governor's functions

5.—(1) The Governor shall exercise all functions conferred upon him by this Order or by any other law in force in Sierra Leone in accordance with any Instructions under Her Majesty's Sign Manual and Signet, and subject thereto—

(*a*) the Governor shall obtain, and act in accordance with, the advice of the Executive Council in the exercise of all such functions, other than functions which he is by this Order or by any such law, as the case may be, directed or empowered to exercise in his discretion or after consultation with, or on the advice or recommendation of, any person or authority other than the Executive Council; and

(*b*) where the Governor is by this Order or by any other law in force in Sierra Leone directed to exercise any function on the advice of any person or authority other than the Executive Council, he shall exercise such function in accordance with such advice; and

(*c*) where the Governor is by this Order or any other law in force in Sierra Leone directed to exercise any function on the recommendation of any person or authority he shall not exercise that function except in accordance with such a recommendation, but may accept the recommendation or refer it back for further consideration by such person or authority.

(2) Nothing in subsection (1) of this section shall apply to matters for which provision is made by sections 6 and 44 of this Order.

Appointment of Ministers

6.—(1) The Premier and every other Minister shall be appointed by Instrument under the Public Seal.

(2) As soon as conveniently may be after any general election of members to the House of Representatives or after the occurrence of a vacancy in the office of Premier, the Governor shall appoint to be Premier the person who appears to him to be best able to command a majority in the House of Representatives and who is willing to be appointed.

(3) The other Ministers shall be appointed by the Governor on the recommendation of the Premier.

Tenure of office of Ministers

7.—(1) Subject to the following provisions of this section, the Premier shall hold office during Her Majesty's pleasure.

(2) When, after any general election of members to the House of Representatives, the Governor appoints any person to be Premier, the office of Premier shall be deemed to have become vacant immediately before that appointment.

(3) The office of Premier or of any other Minister shall become vacant—

(*a*) if he resigns it by writing under his hand addressed to the Governor;

(*b*) if he ceases to be a member of the House of Representatives for any reason other than a dissolution of that House;

(*c*) if he absents himself from Sierra Leone without permission given, in the case of the Premier, by the Governor acting in his discretion or, in the case of any other Minister, by the Governor on the recommendation of the Premier; or

(*d*) if, in the case of a Minister other than the Premier, the Governor on the recommendation of the Premier so directs.

(4) Whenever the Governor appoints any person to be Premier every other office of Minister which is not then vacant shall thereupon become vacant.

Official oath of Ministers

8. Before entering on the functions of his office, every Minister shall take and subscribe before the Governor the official oath or make before the Governor the appropriate affirmation in lieu thereof in accordance with the provisions of the Official Oaths Ordinance of Sierra Leone(**a**).

Performance of functions of Premier in certain events

9.—(1) Whenever the Premier is ill or absent from Sierra Leone, the Governor may by Instrument under the Public Seal authorise one of the other Ministers to perform the functions conferred on the Premier by this Order (other than the function conferred by subsection (3) of this section), and any Minister so authorised may perform those functions.

(2) The Governor may, by Instrument under the Public Seal, revoke any authority given under this section.

(3) The powers conferred upon the Governor by this section shall be exercised by the Governor acting in his discretion, if in the opinion of the Governor it is impracticable to obtain the advice of the Premier owing to his illness or absence, and in any other case shall be exercised by the Governor on the recommendation of the Premier.

Temporary Members of Executive Council

10.—(1) Whenever a Minister is, by reason of his illness or his absence from Sierra Leone, unable to perform the functions of his office, the Governor may, by Instrument under the Public Seal, appoint a person, being an Elected Member of the House of Representatives, to be temporarily a member of the Executive Council.

(2) Sections 7 and 8, subsection (2) of section 11, and section 15 of this Order shall apply in relation to a person appointed under this section to be temporarily a member of the Executive Council as they apply in relation to a Minister.

(3) Subject to subsection (2) of this section, a person appointed under this section to be temporarily a member of the Executive Council shall hold office until he is notified by the Governor that the Minister on account of whose inability to perform his functions he was appointed is again able to perform his functions or the office of that Minister becomes vacant.

(**a**) Cap. 155 Revised Edition, Sierra Leone Laws, 1946.

(4) The powers conferred on the Governor by this section shall be exercised by him on the recommendation of the Premier.

Leave of absence

11.—(1) The Governor acting in his discretion may grant leave of absence from his duties to the Premier.

(2) The Governor acting on the recommendation of the Premier may grant leave of absence from his duties to a Minister other than the Premier.

Presiding in the Executive Council

12. The Governor shall, so far as it is practicable, attend and preside at all meetings of the Executive Council, and in his absence the Deputy Governor shall preside.

The Executive Council may transact business notwithstanding vacancies

13. Subject to the provisions of subsection (2) of section 14 of this Order, the Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the Ministers (including any vacancy not filled when the Council is first constituted or is reconstituted at any time) and the validity of the transaction of business shall not be affected by reason only of the fact that some person who was not entitled so to do took part in those proceedings.

Summoning of Executive Council and quorum

14.—(1) The Executive Council shall not be summoned except by the authority of the Governor, acting in his discretion:

Provided that the Governor shall summon the Council if the Premier so recommends.

(2) No business shall be transacted at any meeting of the Executive Council if there are less than four members of the Council present and any member of the Council present at the meeting has objected to the transaction of business on that account.

Assignment of responsibility to Ministers

15.—(1) Subject to the provisions of this Order and of any other law for the time being in force in Sierra Leone, the Governor may, by directions in writing, assign to any Minister responsibility for any subject or matter and may charge that Minister with responsibility for any department of government.

(2) Any directions given under this section may be revoked or varied by further directions given as aforesaid.

(3) The powers conferred upon the Governor by this section shall be exercised on the recommendation of the Premier.

(4) A Minister who is not charged with responsibility for any subject or matter as aforesaid shall be styled a Minister without portfolio.

Governor to be responsible for certain matters

16. The Governor, acting in his discretion, shall be responsible for the following matters:—

(*a*) external affairs;

(*b*) defence;

(*c*) the making of appointments (including appointments on promotion or transfer) to offices in the public service;

(*d*) the dismissal or disciplinary control of officers in the public service;

(*e*) internal security; and

(*f*) the organisation, use and operational control of the police.

Attorney-General to be responsible for prosecutions

17.—(1) The Attorney-General shall be a person who is a public officer and shall be the legal adviser to the Government. He shall be vested with responsibility for the initiation, conduct and discontinuance of prosecutions for criminal offences triable in courts constituted under the provisions of the Courts Ordinance(a), or any other law in force in Sierra Leone.

(2) The assignment to a Minister of responsibility for the department of the Attorney-General shall confer responsibility only for submitting to the Executive Council questions referring to that Department and conducting government business relating to that department in the House of Representatives and shall have effect without prejudice to the provisions of subsection (1) of this section.

Ministerial Secretaries to Ministers

18.—(1) The Governor on the recommendation of the Premier may appoint Ministerial Secretaries from among the Elected Members of the House of Representatives to assist Ministers in the discharge of responsibilities assigned to them in pursuance of section 15 of this Order:

Provided that the number of Ministerial Secretaries shall not exceed the number of Ministers.

(2) The provisions of subsections (3) and (4) of Section 7 and the provisions of section 8 of this Order shall apply in relation to a Ministerial Secretary as they apply in relation to a Minister.

(3) The Governor on the recommendation of the Premier may grant leave of absence from his duties to a Ministerial Secretary.

PART III

The House of Representatives

House of Representatives

19. There shall be a House of Representatives for Sierra Leone, which shall, subject to the provisions of this Order, consist of a Speaker, fifty-one Elected Members and two Nominated Members:

Provided that the House shall not at any time be deemed not to be properly constituted by reason only of the fact that where, by any law made in pursuance of the provisions of section 53 of this Order, seats are allotted to electoral districts (by whatever name called) of the Protectorate to be occupied by Paramount Chiefs who are elected thereto and who have qualifications prescribed in the said law, any such seats are not filled by reason of the fact that in any such district there is no Paramount Chief who has the qualifications prescribed.

The Speaker

20.—(1) The Speaker shall be a person who does not hold any public office and is not a Minister or Ministerial Secretary.

(a) Cap. 50 Revised Edition, Sierra Leone Laws, 1946.

(2) The House of Representatives may, before the despatch of any other business at the first sitting after every dissolution of the House, by resolution, in favour of which there are cast the votes of not less than two-thirds of the members thereof, elect a person to be Speaker.

(3) If the House of Representatives does not elect a Speaker as aforesaid, the Governor shall, acting in his discretion, by Instrument under the Public Seal, appoint a person to be Speaker.

(4) A person holding office as Speaker may, by writing under his hand addressed to the Governor, resign his office.

(5) A person holding office as Speaker shall, unless he earlier resigns his office as Speaker, vacate his office—

(*a*) if he accepts nomination as a candidate for election to the House of Representatives or accepts appointment as a Nominated Member of the House ; or

(*b*) if he does or suffers anything which would, if he were an Elected Member or Nominated Member of the House of Representatives, cause him to vacate his seat as such Member ; or

(*c*) on a dissolution of the House.

(6) Subject to the provisions of subsections (4) and (5) of this section, a person appointed as Speaker by the Governor shall hold office during Her Majesty's pleasure and, subject thereto, for such period as may be prescribed by the Instrument by which he is appointed :

Provided that such appointment may at any time be revoked by the Governor, acting in his discretion, by Instrument under the Public Seal, and upon such revocation the office of Speaker shall become vacant.

(7) Whenever the office of Speaker shall become vacant otherwise than by reason of a dissolution of the House of Representatives, the House may, at its first sitting after the occurrence of the vacancy, by resolution, in favour of which are cast the votes of not less than two-thirds of the members thereof, elect another person to be Speaker :

Provided that if the House does not elect another person to be Speaker as aforesaid, the Governor shall, acting in his discretion, by Instrument under the Public Seal appoint another person to be Speaker.

(8) A person shall, if qualified, be eligible for re-election or re-appointment to the office of Speaker from time to time.

Deputy Speaker

21.—(1) The House of Representatives shall—

(*a*) at its first meeting in every session ; and

(*b*) at its first meeting after the occurrence of a vacancy in the office of Deputy Speaker, or as soon thereafter as may be convenient, elect as Deputy Speaker of the House one of its members, who is not a Minister or Ministerial Secretary.

(2) A person shall, if qualified, be eligible for re-election to the office of Deputy Speaker from time to time.

(3) The Deputy Speaker shall, unless he earlier vacates his office under the provisions of this Order, hold office until some other person is elected as Deputy Speaker under paragraph (*a*) of subsection (1) of this section.

(4) (*a*) A person shall vacate the office of Deputy Speaker—

(i) upon ceasing to be a member of the House of Representatives;

(ii) upon becoming a Minister or Ministerial Secretary.

(*b*) The Deputy Speaker may, by writing under his hand addressed to the Speaker, or, in the absence of the Speaker, to the Clerk of the House of Representatives, resign his office.

Voting at elections of Speaker and Deputy Speaker

22. In any election of a Speaker or a Deputy Speaker the votes of the members of the House of Representatives shall be given by ballot in such manner as not to disclose how any particular member shall have voted.

Elected Members

23. (*a*) The Elected Members of the House of Representatives shall be persons qualified for election in accordance with the provisions of this Order and elected in the manner provided by, or in pursuance of, any law enacted under this Order, of whom

(i) fourteen shall be elected in the Colony, and

(ii) thirty-seven shall be elected in the Protectorate.

(*b*) In this section the term "Protectorate" shall have the meaning assigned to it in subsection (2) of section 2 of the Sierra Leone Protectorate Ordinance(a), and the term "Colony" shall mean the remainder of Sierra Leone.

Nominated Members

24.—(1) The Nominated Members of the House of Representatives shall be persons who are qualified for appointment as such under the provisions of this Order and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment of any person to be a Nominated Member.

Summoning of persons to assist House

25. The Speaker, or other person presiding in his absence, shall on the request of the Premier or other Minister acting on behalf of the Premier summon any person to any meeting of the House of Representatives, notwithstanding that such person is not a member of the House, when, in the opinion of the Premier or other Minister, as the case may be, the business before the House renders the presence of such person desirable. Any person so summoned shall be elected to take part in the proceedings of the House relating to the matters in respect of which he was summoned as if he were a member of the House except that he shall not have the right to vote in the House.

Qualifications for Elected and Nominated Membership

26. Subject to the provisions of section 27 of this Order, a person shall be qualified to be elected as an Elected Member or appointed as a Nominated Member of the House of Representatives—

(*a*) if he is a British subject or a British protected person of the age of twenty-one years or more; and

(a) Cap. 185 Revised Edition, Sierra Leone Laws, 1946.

(*b*) if he is at the date of his election or appointment, as the case may be, seised or possessed of property, whether real or personal, of an aggregate value of not less than one hundred pounds; and

(*c*) if, in any case in which an election of members to the House is carried out by a process of—

(i) indirect election, he is a member of such local government body and of such class of persons as may be prescribed;

(ii) direct election, he is registered in any electoral district as an elector for the election of members to the House; and

(*d*) if so provided in respect of any specified part of Sierra Leone by any law in force for the time being in Sierra Leone, he is liable to pay such tax, or is entitled to such exemption from liability to pay tax, as may be prescribed,

and no other person shall be qualified to be so elected or appointed.

Disqualification for Membership

27. No person shall be qualified to be elected as an Elected Member or appointed as a Nominated Member of the House of Representatives who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State; or

(*b*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions; or

(*c*) is under sentence of death or is serving, or has within the immediately preceding five years completed the serving of, a sentence of imprisonment (by whatever name called), without the option of a fine, of or exceeding twelve months imposed in any part of Her Majesty's dominions and has not received a free pardon; or

(*d*) holds, or is acting in, any public office; or

(*e*) is a party to, or is a partner in a firm, or a director or manager of a company, which is a party to, any subsisting contract (the amount or value of the consideration for which exceeds one hundred pounds, or which forms part of a larger transaction or series of transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration exceeds one hundred pounds) with the Government of Sierra Leone for or on account of the public service, and,

(i) in the case of an Elected Member, has not published within one month before the day of the election, in the Gazette and in some newspaper circulating in the area for which he is a candidate, a notice setting out the nature of such contract and his interest, or the interest of any such firm or company therein; or

(ii) in the case of a Nominated Member, has not disclosed to the Governor the nature of such contract and his interest, or the interest of any such firm or company, therein; or

(*f*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law for the time being in force in Sierra Leone; or

(*g*) is unable to speak, or (unless prevented by blindness or other physical cause) to read or write, the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the House ; or

(*h*) is, in the case of an Elected Member, disqualified for election by any law for the time being in force in Sierra Leone by reason of his holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register ; or

(*i*) is disqualified for membership of the House under any law for the time being in force in Sierra Leone relating to offences connected with the election of members.

Tenure of office of Elected and Nominated Members

28.—(1) Every Nominated Member of the House of Representatives shall hold his seat therein during Her Majesty's pleasure.

(2) Every Elected and Nominated Member of the House of Representatives shall cease to be a Member at the next dissolution of the House after he has been elected or nominated or previously thereto if his seat has become vacant under the provisions of this Order.

(3) The seat of an Elected Member or a Nominated Member of the House of Representatives shall become vacant—

(*a*) if he is elected or appointed Speaker ; or

(*b*) if, in the case of an Elected Member, he is absent from two consecutive meetings of the House without having obtained from the Speaker or, as occasion may require, the Deputy Speaker, before the termination of either of such meetings, permission to be or to remain absent therefrom ; or

(*c*) if, in the case of a Nominated Member, he is absent from two consecutive meetings of the House without having obtained from the Governor, before the termination of either of such meetings, permission to be or to remain absent therefrom ; or

(*d*) if, being an Elected Member, he is appointed as a Nominated Member of the House of Representatives or, being a Nominated Member, he accepts nomination as a candidate for election to the House ; or

(*e*) if he takes any oath, or makes any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or State ; or does, concurs in or adopts any act done with the intention that he shall become a subject or citizen of any foreign Power or State ; or

(*f*) if he is adjudged or otherwise declared a bankrupt under any law in force in any part of Her Majesty's dominions ; or

(*g*) if he becomes subject to any of the disqualifications specified in paragraph (*c*) of section 27 of this Order ; or

(*h*) if he becomes a party to any contract (the amount or value of the consideration for which exceeds one hundred pounds, or which forms part of a larger transaction or series of transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration exceeds one hundred pounds) with the Government of Sierra Leone for or on account of the public service, or if any firm in which he is a partner, or any company of which he

is a director or manager, becomes a party to any such contract, or if he becomes a partner in a firm, or a director or manager of a company, which is a party to any such contract:

Provided that, if in the circumstances it shall appear to them or him to be just to do so, the House may by resolution exempt any Elected Member and the Governor, acting in his discretion, may exempt any Nominated Member from vacating his seat under the provision of this paragraph, if such Member shall, before becoming a party to such contract as aforesaid or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as partner in a firm or as director or manager of a company), disclose to the House or to the Governor, as the case may be, the nature of such contract and his interest, or the interest of any such firm or company, therein; or

(*i*) if, under any law for the time being in force in Sierra Leone, he is adjudged to be of unsound mind or is detained as a criminal lunatic; or

(*j*) if he becomes disqualified for membership of the House under any law for the time being in force in Sierra Leone relating to offences connected with the election of members; or

(*k*) if, being an Elected Member, he is appointed to, or to act in, any public office; or

(*l*) if, being a Nominated Member, he is appointed permanently to any public office; or

(*m*) if he otherwise ceases to possess qualification for election or appointment, as the case may be, under the provisions of this Order.

(4) An Elected Member of the House may by writing under his hand addressed to the Speaker, and a Nominated Member of the House may by writing under his hand addressed to the Governor, resign his seat in the House.

(5) If any Nominated Member is appointed temporarily to, or to act in, any public office, he shall not sit in the House by virtue of his appointment as a Nominated Member so long as he continues to hold, or to act in, that office.

(6) A person whose seat in the House has become vacant may, if qualified, again be elected or appointed as a member of the House from time to time.

Nominated Member incapable of discharging functions

29. The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare any Nominated Member to be, by reason of illness, temporarily incapable of discharging his functions as a member of the House of Representatives, and thereupon such Member shall not sit or vote in the House until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

Suspension of Nominated Member

30. The Governor, acting in his discretion, may, by Instrument under the Public Seal, suspend any Nominated Member of the House of Representatives from the exercise of his functions as such. Every such suspension shall forthwith be reported by the Governor to Her Majesty through a Secretary of State, and shall remain in force until it is removed by the Governor by Instrument under the Public Seal or by Her Majesty through a Secretary of State, or until the person suspended ceases to be a member of the House.

Decision of questions as to Membership

31.—(1) Subject to the provisions of this Order, all questions which may arise as to the right of any person to be or remain an Elected Member of the House of Representatives shall be determined in the prescribed manner.

(2) All questions which may arise as to the right of any person to be or remain a Nominated Member of the House shall be referred to and shall be determined by the Governor, acting in his discretion.

Temporary appointments

32.—(1) Whenever there shall be a vacancy in the number of persons sitting as Nominated Members of the House of Representatives by reason of the fact that—

(*a*) a Nominated Member is declared by the Governor, under section 29 of this Order, to be incapable of discharging his functions as a Member ; or

(*b*) a Nominated Member is suspended by the Governor, under section 30 of this Order, from the exercise of his functions as a Member ; or

(*c*) a Nominated Member is absent from Sierra Leone ; or

(*d*) a Nominated Member is temporarily appointed to, or to act in, a public office ; or

(*e*) the seat of a Nominated Member is vacant for any cause other than the dissolution of the House,

the Governor acting in his discretion may, by Instrument under the Public Seal, appoint a person to be a temporary member of the House for the period of such vacancy.

(2) A temporary member of the House of Representatives shall be a person qualified for appointment as a Nominated Member.

(3) (*a*) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section, and every person so appointed shall hold his appointment during Her Majesty's pleasure.

(*b*) Any such appointment may be revoked by the Governor, acting in his discretion, by Instrument under the Public Seal.

(4) So long as their appointments shall subsist, persons appointed under subsection (1) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be Nominated Members of the House of Representatives ; and, subject as aforesaid, the provisions of section 28 of this Order shall have effect accordingly.

(5) An appointment made under this section shall cease to have effect on notification by the Governor to the person appointed of its revocation by the Governor, or on its supersession by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Notification of appointments and report of vacancies

33.—(1) The Governor shall, by writing under his hand, notify the Speaker of every appointment of a person to be a Nominated Member of the House of Representatives.

(2) Whenever the seat of a member of the House of Representatives becomes vacant under the provisions of subsection (3) of section 28 of this Order, the Speaker shall, by writing under his hand, report such vacancy to the Governor.

(3) As occasion may require, a notification under subsection (1) of this section may be addressed to the Deputy Speaker and a report under subsection (2) of this section may be made by the Deputy Speaker.

Filling of vacancies

34.—(1) Whenever the seat of an Elected Member of the House of Representatives becomes vacant, the vacancy shall be filled by election in accordance with the provisions of any law for the time being in force in Sierra Leone.

(2) Whenever the seat of a Nominated Member of the House of Representatives becomes vacant, the vacancy shall be filled by appointment by the Governor, acting in his discretion, in accordance with the provisions of this Order.

Penalty for unqualified person sitting or voting

35.—(1) Any person who sits or votes in the House of Representatives knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day on which he so sits or votes in the House.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Attorney-General.

PART IV

Legislation and Procedure of Legislature

Power to make laws

36. Subject to the provisions of this Order, it shall be lawful for the Governor, with the advice and consent of the House of Representatives, to make laws for the peace, order and good government of Sierra Leone.

Royal Instructions

37. Subject to the provisions of this Order, the Governor and the House of Representatives shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Standing Rules and Orders

38. Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the House of Representatives may from time to time make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of their proceedings and the despatch of business, to provide for the giving of notice of the provisions of Bills and for the presentation thereof to the Governor for assent; but no such Rules or Orders or amendment or revocation thereof shall have effect until they have been approved by the Governor.

Presiding in the House

39. The person who shall preside at the sittings of the House of Representatives shall be—

(*a*) the Speaker; or

(*b*) in his absence or if the office of Speaker is vacant, the Deputy Speaker; or

(*c*) in their absence or if the offices of Speaker and Deputy Speaker are both vacant or if one of such officers is absent and the office of the other is vacant, a member of the House (not being a Minister or Ministerial Secretary) elected by the House for the sitting.

House may transact business notwithstanding vacancies

40. The House of Representatives shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancy not filled when the House is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the House or otherwise took part in the proceedings.

Quorum

41. No business except that of adjournment shall be transacted in the House of Representatives if objection is taken by any member present that there are less than eighteen members present besides the Speaker or other person presiding.

Voting

42.—(1) Save as otherwise provided in this Order, all questions proposed for decision in the House of Representatives shall be determined by a majority of the votes of the Elected Members present and voting.

(2) The Speaker, or any other person, including the Deputy Speaker, when presiding in the House, shall have neither an original vote nor a casting vote.

(3) The Nominated Members shall have no vote.

(4) If, upon any question before the House, the votes shall be equally divided, the motion shall be declared lost.

Introduction of Bills, etc.

43.—(1) Save as is provided in subsections (2), (3) and (4) of this section, and subject to the provisions of this Order and of the Standing Rules and Orders of the House of Representatives, any member may introduce any Bill, or propose any motion for debate in, or may present any petition to, the House and the same shall be debated and disposed of according to the Standing Rules and Orders.

(2) Except with the recommendation or consent of the Governor signified thereto, the House of Representatives shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Speaker or other person presiding, would dispose of or charge any public revenue or public funds of Sierra Leone or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

(3) With respect to a Bill or motion which, in the opinion of the Speaker or of the Attorney-General, would effect any alteration in the salary, allowances or conditions of service of any public officer, or in the law, regulations or practice governing the grant of leave, passages or promotion applicable to any such officer or the payment of pensions, gratuities or other like allowances applicable to any such officer or his

widow, children, dependants or personal representatives, the following provisions shall have effect—

(*a*) except with the recommendation or consent of the Governor, acting in his discretion, signified thereto, the House of Representatives shall not proceed upon any such Bill or motion;

(*b*) if the Governor, acting in his discretion, shall consider that any alteration effected by any such Bill would prejudicially affect any public officer, he shall reserve that Bill for the signification of Her Majesty's pleasure;

(*c*) unless the Governor, acting in his discretion, shall by writing under his hand otherwise direct, no such motion, other than a motion relating to a Bill, shall take effect until the expiration of a period of three days from the date upon which it was carried; and if the Governor, acting in his discretion, shall within that period certify by writing under his hand that any alteration which would be effected by such motion would prejudicially affect any public officer, such motion shall not take effect unless and until it has been approved by a Secretary of State.

(4) Except with the recommendation or consent of the Governor, acting in his discretion, signified thereto, the House of Representatives shall not proceed upon any Bill or motion which, in the opinion of the Speaker or the Attorney-General relates to or affects any matter the responsibility for which is vested in the Governor or any matter the responsibility for which is vested in the Attorney-General by virtue of the provisions of sections 16 and 17 of this Order respectively.

(5) The Governor, acting in his discretion, may—

(*a*) send by message to the Speaker the draft of any Bill or motion which it appears to him should be introduced or proposed in the House of Representatives; and

(*b*) in the same or a later message require that the Bill or motion shall be introduced or proposed not later than a date specified in such message;

and if such requirement is not complied with, the Bill or motion shall be deemed for all purposes to have been introduced or proposed in the House on the date so specified.

Governor's reserved power

44.—(1) Subject to the provisions of subsection (2) of this section, if the Governor considers that it is expedient in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of Sierra Leone as a territory within the British Commonwealth of Nations and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer) that any Bill introduced, or any motion proposed, in the House of Representatives should have effect, then, if the House fail to pass such Bill or carry such motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any Standing Rules or Orders of the House, declare that such Bill or motion shall have effect as if it had been passed or carried by the House, either in the form in which it was so introduced or proposed or with such amendments as the Governor thinks fit which have been moved or proposed in the House, including any committee thereof; and there-

upon the said Bill or motion shall have effect as if it had been so passed or carried and, in the case of any such Bill, the provisions of this Order relating to assent to Bills and disallowance of laws shall have effect accordingly.

(2) The Governor shall not make any declaration under this section except in accordance with the following conditions, that is to say—

(*a*) the question whether the declaration should be made shall first be submitted in writing by the Governor to the Executive Council and if, upon the question being so submitted to it, the Executive Council shall advise that the declaration be made, the Governor may make the declaration;

(*b*) if, when the question whether the declaration should be made is submitted to it as aforesaid, the Executive Council shall not within such time as the Governor may think reasonable and expedient advise that the declaration be made, then—

(i) the Governor may submit the said question to a Secretary of State and may make the declaration if, upon the question being so submitted to him, a Secretary of State authorises the Governor to make the declaration; or

(ii) the Governor may make the declaration without submitting the said question to a Secretary of State, if in the Governor's opinion urgent necessity requires that the declaration be made without obtaining the authority of a Secretary of State; in which case he shall, at the time of making the declaration, certify in writing that urgent necessity requires that the declaration be made without obtaining such authority.

(3) (*a*) Whenever the Governor, in accordance with the provisions of paragraph (*b*) of subsection (2) of this section, submits to a Secretary of State the question whether a declaration should be made, or makes a declaration without submitting the said question to a Secretary of State, he shall inform the Executive Council in writing of his reasons for so doing.

(*b*) Whenever the Governor makes a declaration under this section, other than a declaration made with the authority of a Secretary of State, he shall forthwith report to a Secretary of State the making of, and the reasons for, the declaration and, in the case of a declaration made in accordance with the provisions of sub-paragraph (ii) of paragraph (*b*) of subsection (2) of this section, the grounds of urgency.

(4) If any member of the House objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting; and a copy of such statement shall, if furnished by such member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(5) Any declaration made under this section, other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the Governor shall cause notice of such revocation to be published in the Gazette; and from the date of such publication any motion which has had effect by virtue of the declaration shall cease to have effect; and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Assent to Bills

45.—(1) No Bill shall become a law until either the Governor has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent, or Her Majesty has given Her assent thereto through a Secretary of State.

(2) When a Bill is presented to the Governor for his assent, he shall, acting in his discretion but subject to the provisions of this Order and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents or refuses his assent thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor shall reserve for the signification of Her Majesty's pleasure—

(*a*) any Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to, or inconsistent with, the provisions of this Order; and

(*b*) any Bill which determines or regulates the privileges, immunities or powers of the House of Representatives or its members,

unless he has been authorised by a Secretary of State to assent thereto.

(3) A law assented to by the Governor shall come into operation on the date of its publication in the Gazette, or if it is enacted, either in such law or in some other law (including any law in force on the appointed day), that it shall come into operation on some other date, on that date.

(4) A Bill reserved for the signification of Her Majesty's pleasure shall become a law so soon as Her Majesty has given Her assent thereto through a Secretary of State and the Governor has signified such assent by Proclamation in the Gazette. Every such law shall come into operation on the date of such Proclamation or, if it is enacted, either in such law or in some other law (including any law in force on the appointed day), that it shall come into operation on some other date, on that date.

Disallowance of laws

46.—(1) Any law to which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by Her Majesty, the Governor shall cause notice of such disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance is published as aforesaid; and thereupon any enactment repealed or amended by or in pursuance of the law disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Oath of Allegiance

47. Except for the purpose of enabling this section to be complied with, no member of the House of Representatives shall sit or vote therein or in any committee thereof until he has taken and subscribed the Oath of Allegiance in accordance with the provisions of the Official Oaths Ordinance of Sierra Leone or has made the appropriate affirmation in lieu thereof as provided in the said Ordinance:

Provided that the election of a Speaker of the House may take place before the members of the House have made such Oath or affirmation:

Provided further that if, between the time when any person becomes a member of the House and the time when the House next meets thereafter, a meeting takes place of any committee of the House of which such person is a member, such person may, in order to enable him to attend the meeting, and take part in the proceedings, of the committee, take and subscribe the said Oath or make the appropriate affirmation before a Judge of the Supreme Court; and the taking and subscribing of the Oath, or the making of the appropriate affirmation, as the case may be, in such manner shall suffice for all the purposes of this section. In any such case the Judge shall forthwith report to the House through the Speaker or, as occasion may require, through the Deputy Speaker, that the person in question has taken and subscribed the said Oath or made the affirmation before him.

Privileges of the House and members

48. It shall be lawful, by laws enacted under this Order, to determine and regulate the privileges, immunities and powers of the House of Representatives and its members, but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom of Great Britain and Northern Ireland or the members thereof.

Sessions of the House

49.—(1) The sessions of the House of Representatives shall be held at such place and shall commence at such time as the Governor shall from time to time by Proclamation or notice in the Gazette appoint.

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

Power of Governor to address the House

50. The Governor may, in his discretion, address the House of Representatives at any time he thinks fit, and may for that purpose require the attendance of members.

Prorogation and dissolution

51.—(1) The Governor may at any time, by Proclamation published in the Gazette, prorogue or dissolve the House of Representatives.

(2) The Governor shall dissolve the House of Representatives at the expiration of five years from the date of the return of the first writ at the last preceding general election, if it shall not have been sooner dissolved.

General elections

52. There shall be a general election at such time within three months after every dissolution of the House of Representatives as the Governor shall by Proclamation published in the Gazette appoint.

Law as to elections

53. Provision may be made by or in pursuance of any law enacted under this Order for the election of Elected Members of the House of Representatives including (without prejudice to the generality of the

foregoing power, but subject to the provisions of this Order) the following matters, that is to say—

(*a*) the qualifications and disqualifications of voters ;

(*b*) the registration of voters ;

(*c*) the ascertainment of the qualifications of the persons who submit themselves for election ;

(*d*) the establishment in Sierra Leone or any part thereof of electoral bodies or districts (by whatever name called) for the purpose of returning members to the House ; the division of such electoral bodies or districts for any purpose connected with elections ; and the determination of any question which may arise as to the constitution of any such body or district ;

(*e*) the issue and return of writs or other process for the holding of elections ;

(*f*) the holding of elections, direct or indirect ;

(*g*) the determination by the Supreme Court of any question that may arise as to the right of any person to be or remain an Elected Member of the House ;

(*h*) the definition and trial of offences relating to such elections and the imposition of penalties therefor, including disqualification for membership of the House, or for registration as a voter, or for voting at elections, of any person concerned in any such offence ; and

(*i*) the disqualification for election as members of the House of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

PART V

Transitional Provisions

Provisions relating to sections 20, 23 *and* 24

54.—(1) The person who, immediately before the appointed day, was the Speaker of the House of Representatives constituted under the existing Orders, shall be deemed to have been elected on that day as the Speaker of the House of Representatives in accordance with section 20 of this Order.

(2) Any person who, immediately before the appointed day, was an Elected Member of the House of Representatives constituted under the existing Orders, shall be deemed to have been elected on that day as an Elected Member of the House of Representatives in accordance with the provisions of section 23 of this Order.

(3) Any person who, immediately before the appointed day, was a Nominated Member of the House of Representatives constituted under the existing Orders, shall be deemed to have been appointed on that day as a Nominated Member of the House of Representatives in accordance with the provisions of section 24 of this Order.

Provisions relating to section 38

55. Until other provision is made under section 38 of this Order the Standing Rules and Orders of the House of Representatives constituted

under the existing Orders, as in force immediately before the appointed day—

(*a*) shall have effect as if they were Standing Rules and Orders made under that section ; and

(*b*) shall, for the purposes of this Order, be deemed to have been made under that section and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended or revoked as if they were Standing Rules and Orders so made.

Provisions relating to section 48

56. Until other provision is made in pursuance of section 48 of this Order, any laws made under section 30A of the Sierra Leone (Legislative Council) Order in Council, 1951(**a**), (as amended by section 3 of the Sierra Leone (Legislative Council) (Amendment) Order in Council, 1953(**b**),) and in force immediately before the appointed day—

(*a*) shall have effect as if they were laws enacted in pursuance of section 48 of this Order ; and

(*b*) shall, for the purposes of this Order, be deemed to have been so enacted and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were laws so enacted.

Provisions relating to section 51 (2)

57. For the purposes of subsection (2) of section 51 of this Order, the period of five years referred to in that subsection shall, in relation to the House of Representatives as first constituted under this Order, be deemed to have commenced on the 1st day of July, 1957.

Provisions relating to section 53

58.—(1) In this section " the existing regulations " means any regulations made or deemed to have been made under section 37 of the Sierra Leone (House of Representatives) Order in Council, 1956, or made under section 38 of that Order, and in force immediately before the appointed day.

(2) The existing regulations—

(*a*) shall have effect as if they were laws enacted in pursuance of section 53 of this Order ; and

(*b*) shall, for the purposes of this Order, be deemed to have been so enacted and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were laws so enacted.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to reconstitute the Executive Council and the House of Representatives of Sierra Leone by removing the ex-officio Members from each body and by increasing the minimum number of Ministers in the Executive Council from four to eight.

(a) S.I. 1951/611 (1951 II, p. 642). (b) S.I. 1953/587 (1953 II, p. 1937).