1956 No. 1893

The Sierra Leone (House of Representatives) Order in Council, 1956

Made - - - - 29th November, 1956
Laid before Parliament 5th December, 1956
Coming into Operation Section 38—*6th December,* 1956
Remainder—on a day to be appointed under Section 2 (2)*

At the Court at Buckingham Palace, the 29th day of November, 1956

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 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;

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

"the existing Orders" means the Orders in Council mentioned in the Schedule to this Order;

"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 a Deputy for the Governor is authorised to act, that Deputy;

"the Governor in Council" means the Governor acting with the advice of the Executive Council, but not necessarily in accordance with that advice nor necessarily in such Council assembled;

"the House" and "the House of Representatives" means the House of Representatives of Sierra Leone, as constituted by this Order;

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

"meeting" means any sitting or sittings of the House 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;

"Minister" means a person appointed by the Governor from among the Elected Members of the House of Representatives to be a Member of the Executive Council;

"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;

"the Protectorate" means the Protectorate of Sierra Leone;

"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 any 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 commencing when the House first meets after being constituted under 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;

"Sierra Leone" means the Colony and Protectorate;

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

"the Speaker" and "the Deputy Speaker" means respectively the Speaker and Deputy Speaker of the House of Representatives;

"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) (*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 as if such provision were enacted therein.

(*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 emolument or allowance in respect of his tenure of the office of Speaker, Deputy Speaker, Minister, or Member of the House of Representatives or that he is a Chief, a Tribal Authority, or a member of a Tribal Authority, or a member of a Native Court.

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

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

(6) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(**e**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Citation, publication and commencement

2.—(1) This Order may be cited as the Sierra Leone (House of Representatives) Order in Council, 1956.

(2) This Order shall be published in the Gazette, and the provisions thereof, save as otherwise expressly provided in this Order, shall come into operation on a date to be appointed by the Governor by Proclamation in the Gazette, which date shall not be earlier than the day after the day upon which this Order shall have been laid before both Houses of Parliament.

Revocation

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

(2) 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.

PART II

The House of Representatives

House of Representatives

4. There shall be a House of Representatives in and for Sierra Leone, which shall, subject to the provisions of this Order, consist of a Speaker, four ex-officio Members, 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 or regulation made in pursuance of the provisions of section 37 or section 38 of this Order, seats are allotted to electoral districts (by

(**a**) 12, 13 & 14 Geo. 6. c. 92.
(**b**) 11 & 12 Geo. 6. c. 56.
(**c**) 12, 13 & 14 Geo. 6. c. 41.
(**d**) 4 & 5 Eliz. 2. c. 31.
(**e**) 52 & 53 Vict. c. 63.

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 or regulation, 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

5.—(1) The Speaker shall be a person who is not an ex-officio Member of the House or a Minister or a person who holds any public office.

(2) The House may, before the despatch of any other business at the first sitting of the House after the date of the commencement of this Order, and thereafter 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 shall not elect a Speaker as aforesaid, the Governor shall, according to 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, and upon receipt of such resignation by the Governor the office of Speaker shall become vacant.

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

(*a*) upon becoming a Minister ; or

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

(*c*) on 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, according to 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 on a dissolution of the House, 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, according to 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

6.—(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 an ex-officio Member or a Minister.

(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;

(ii) upon becoming a Minister.

(*b*) The Deputy Speaker may, by writing under his hand addressed to the Speaker, or, in the absence of the Speaker, or, if there shall be no Speaker, to the Clerk of the House of Representatives, resign his office; and upon receipt of such resignation by the Speaker or the Clerk of the House of Representatives, as the case may be, the office of Deputy Speaker shall become vacant.

Voting at elections of Speaker and Deputy Speaker

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

Ex-officio Members

8. The ex-officio Members shall be:—

The Chief Secretary;

The Chief Commissioner for the Protectorate;

The Attorney-General; and

The Financial Secretary.

Elected Members

9. (*a*) The Elected Members of the House 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 subsection 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

10.—(1) The Nominated Members of the House shall be persons who are qualified for appointment as such under the provisions of this Order and shall be appointed by the Governor, according to 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.

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

Summoning of persons to assist House

11. The Speaker, the Deputy Speaker or the Member presiding may summon any person to any meeting of the House, notwithstanding that such person is not a member of the House, when, in the opinion of the Speaker, the Deputy Speaker or the Member presiding, as the case may be, the business before the House renders the presence of such person desirable. Any person so summoned shall be entitled 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

12. Subject to the provisions of section 13 of this Order, a person shall be qualified to be elected as an Elected Member or appointed as a Nominated Member of the House if—

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

(*b*) 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*) 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 or regulation 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

13. No person shall be qualified to be elected as an Elected Member or appointed as a Nominated Member of the House 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*) has been convicted of treason or has been convicted of felony or of any offence involving dishonesty and has been sentenced to imprisonment therefor without the option of a fine, and has not received a free pardon ; or

(*d*) being a person possessed of professional qualifications, has been or is disqualified (otherwise than at his own request) in any part of Her Majesty's dominions from practising his profession by the order of any competent authority made in respect of him personally ; or

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

(*f*) 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

(*g*) 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

(*h*) 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

(*i*) is, in the case of an Elected Member, disqualified for election by any law or regulation 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

(*j*) is disqualified for membership of the House under any law or regulation 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

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

(2) Every Elected and Nominated Member of the House 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 shall become vacant under the provisions of this Order.

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

(*a*) if he shall be elected or appointed Speaker ; or

(*b*) if, in the case of an Elected Member, he shall be 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 shall be 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 or, being a Nominated Member, he is nominated as a candidate in any election of a Member to the House; or

(*e*) if he shall take any oath, or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or State; or shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or

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

(*g*) if he shall become subject to any of the disqualifications specified in paragraphs (*c*) and (*d*) of section 13 of this Order; or

(*h*) if he shall become 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 any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to any such contract, or if he shall become 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, according to his discretion, may exempt any Nominated Member from vacating his seat under the provisions 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 shall be adjudged to be of unsound mind or shall be detained as a criminal lunatic; or

(*j*) if he shall become disqualified for membership of the House under any law or regulation 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 shall be appointed to, or to act in, any public office; or

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

(*m*) if he shall otherwise cease 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, and upon receipt of such resignation by the Speaker or Deputy Speaker, or by the Governor, as the case may be, the seat of such Member shall become vacant.

(5) If any Nominated Member shall be 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

15. The Governor, according to 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, 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

16. The Governor, according to his discretion, may, by Instrument under the Public Seal, suspend any Nominated Member of the House 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 shall be 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

17.—(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 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, according to his discretion.

Temporary appointments

18.—(1) Whenever there shall be a vacancy in the number of persons sitting as ex-officio or Nominated Members of the House by reason of the fact that:

(*a*) an ex-officio Member is administering the Government of Sierra Leone; or

(*b*) one person is lawfully discharging the functions of more than one of the offices referred to in section 8 of this Order; or

(*c*) no person is lawfully discharging the functions of any one of such offices; or

(*d*) any such office has ceased to exist; or

(*e*) a Nominated Member is declared by the Governor, under section 15 of this Order, to be incapable of discharging his functions as a Member; or

(*f*) a Nominated Member is suspended by the Governor, under section 16 of this Order, from the exercise of his functions as a Member; or

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

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

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

the Governor may, according to his discretion, 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*) In the case of a vacancy in the number of persons sitting in the House as ex-officio Members, the person appointed shall be a person holding public office; and

(*b*) in the case of a vacancy in the number of persons sitting in the House as Nominated Members, the person appointed 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, according to his discretion, by Instrument under the Public Seal.

(4) So long as their appointments shall subsist, persons appointed under paragraph (*a*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be ex-officio Members of the House:

Provided that the provisions of subsection (2) of section 17 of this Order shall apply in relation to any such person as they apply in relation to a Nominated Member of the House.

(5) So long as their appointments shall subsist, persons appointed under pararaph (*b*) of subsection (2) 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; and, subject as aforesaid, the provisions of section 14 of this Order shall have effect accordingly.

(6) 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.

Governor to notify Speaker of appointments: Speaker to report vacancies

19.—(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.

(2) Whenever the seat of a Member of the House becomes vacant under the provisions of subsection (3) of section 14 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

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

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

PART III

Legislation and Procedure of Legislature

Power to make laws

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

Royal Instructions

22. Subject to the provisions of this Order, the Governor and the House 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

23.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the House 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 shall have been approved by the Governor.

(2) Until other provision is made under this section, the Standing Rules and Orders of the Legislative Council constituted under the existing Orders, as in force immediately before the appointed day, shall, with any necessary modifications and adaptations, be the Standing Rules and Orders of the House; and the said Standing Rules and Orders may be amended or revoked by Standing Rules and Orders made under the preceding subsection.

Presiding in the House

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

(*a*) the Speaker; or

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

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

House may transact business notwithstanding vacancies

25. The House 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

26. No business except that of adjournment shall be transacted in the House if objection is taken by any Member present that there are less than twenty Members present besides the Speaker, Deputy Speaker or other Member presiding.

Voting

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

(2) The Speaker and 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.

28. Subject to the provisions of this Order and of the Standing Rules and Orders of the House, 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:

Provided that, except by the direction or with the recommendation or consent of the Governor signified thereto, the House shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Speaker or other Member presiding,

(*a*) 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 ;

(*b*) suspend the Standing Rules and Orders of the House or any of them.

Governor's reserved power

29.—(1) Subject to the provisions of subsection (2) of this section, if the Governor shall consider 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 should have effect, then, if the House fail to pass or carry such Bill or motion within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time which

he shall think fit, may, notwithstanding any provisions of this Order or of any Standing 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 shall think fit which have been moved or proposed in the House or in any Committee thereof; and thereupon 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, shall submit to a Secretary of State the question whether a declaration should be made, or shall make 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 shall make 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 subparagraph (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 shall have 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

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

(2) When a Bill is presented to the Governor for his assent, he shall, according to 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 or its Members,

unless he shall have 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 shall be 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 law so soon as Her Majesty shall have given Her assent thereto, through a Secretary of State, and the Governor shall have signified such assent by Proclamation in the Gazette. Every such law shall come into operation on the date of such Proclamation or, if it shall be 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

31.—(1) Any law to which the Governor shall have 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 shall be 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

32. Except for the purpose of enabling this section to be complied with, no Member of the House shall sit or vote therein or in any Committee thereof until he shall have taken and subscribed the Oath of Allegiance in accordance with the provisions of the Official Oaths Ordinance of Sierra Leone(**a**) or shall have made the appropriate affirmation in lieu thereof as provided in the said Ordinance:

Provided 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

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

(2) Until other provision is made under this section, any laws made under section 30A of the Sierra Leone (Legislative Council) Order in Council, 1951(**b**), (as amended by section 3 of the Sierra Leone (Legislative Council) (Amendment) Order in Council, 1953(**c**)), determining and regulating the privileges, immunities and powers of the Legislative Council established by that Order and the members thereof and in force immediately before the appointed day shall apply, with such adaptations and modifications as may be necessary, to determine and regulate the privileges, immunities and powers of the House of Representatives established by this Order and the members thereof.

Sessions of the House

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

(2) The first session of the House shall commence within four months after the appointed day.

(3) There shall be a session of the House 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.

(**a**) Cap. 155 Revised Edition, Sierra Leone Laws, 1946.
(**b**) S.I. 1951/611 (1951 II, p. 642). (**c**) S.I. 1953/587 (1953 II, p. 1937).

Prorogation and dissolution

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

(2) The Governor shall dissolve the House 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

36. There shall be a general election at such time, within three months after the appointed day and thereafter within three months after every dissolution of the House, as the Governor shall by Proclamation published in the Gazette appoint.

PART IV

Miscellaneous

Law as to Elections

37.—(1) Provision may be made by or in pursuance of any law enacted under this Order for the election of Elected Members of the House, 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 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.

(2) The provision for the election of Elected Members of the House made under and by virtue of the Sierra Leone (Electoral Provisions) Order in Council, 1956(a), shall be deemed to have been made under and by virtue of the provisions of subsection (1) of this section.

(a) S.I. 1956/1211 (p. 2959 above).

Transitional provisions as to qualifications for Membership of the House

38.—(1) Notwithstanding anything contained in the Sierra Leone (Legislative Council) Order in Council, 1951, the Governor may, according to his discretion, at any time before the first sitting of the House under this Order make provision by Regulations published in the Gazette in respect of all or any of the matters specified in section 12 of this Order.

(2) The expression "any law for the time being in force" wherever it appears in this Order shall include any Regulation made under this section.

(3) Every Regulation made under subsection (1) of this section shall have the force of law and may be amended, added to or revoked by further Regulations within the period specified in that subsection, and thereafter by any law made under the provisions of this Order.

(4) This section shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament.

Penalty for unqualified person sitting or voting

39.—(1) Any person who sits or votes in the House 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.

Powers reserved to Her Majesty

40.—(1) 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.

(2) 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.

W. G. Agnew.

Section 1

SCHEDULE

EXISTING ORDERS IN COUNCIL

The Sierra Leone (Legislative Council) Order in Council, 1951.

The Sierra Leone (Legislative Council) (Amendment) Order in Council, 1953.

The Sierra Leone (Legislative Council) (Interpretation) Order in Council, 1956(a).

EXPLANATORY NOTE

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

This Order in Council establishes a House of Representatives for Sierra Leone in place of the previously existing Legislative Council.

The House of Representatives consists of a Speaker, four ex-officio Members, fifty-one Elected Members and two Nominated Members.

(a) S.I. 1956/1583.