SIERRA LEONE

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

1951 No. 611

Made - - - - 9*th April*, 1951
Laid before Parliament 10*th April*, 1951
Coming into Operation *On a day to be appointed by the Governor under Section 2**

At the Court at Buckingham Palace, the 9th day of April, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by the Sierra Leone (Legislative Council) Order in Council, 1924(a), provision is made for the constitution and powers of a Legislative Council for the Colony and Protectorate of Sierra Leone (hereinafter together called " Sierra Leone "):

And Whereas it is expedient to make other provision for the constitution and powers of a Legislative Council for Sierra Leone:

Now, therefore, His Majesty, by virtue and in exercise of the powers vested in Him by the Foreign Jurisdiction Act, 1890(b), and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His 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 Council " means the Legislative Council of Sierra Leone constituted by this Order;

" District Council " means a Council constituted in respect of any District of the Protectorate in accordance with the provisions of any law in that behalf for the time being in force in 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 date thus appointed was 1st September, 1951.

(a) S.R. & O. 1924 (No. 1159) p. 418. (b) 53 & 54 Vict. c. 37.

" the Governor " means the Governor, Commander-in-Chief and Vice-Admiral of Sierra Leone and includes any 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 ;

" Meeting " means any sitting or sittings of the Council commencing when the Council first meets after being summoned at any time and terminating when the Council 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 ;

" the Protectorate " means the Protectorate of Sierra Leone ;

" the Protectorate Assembly " means the Assembly for the Protectorate as established in accordance with the provisions of any law in that behalf for the time being in force in 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 Council commencing when the Council first meets after being constituted under this Order or after its prorogation or dissolution at any time, and terminating when the Council is prorogued or is dissolved without having been prorogued ;

" Sitting " means a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council 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) All reference in this Order to His Majesty's dominions shall be construed as including references to all territories under His Majesty's protection or in which His Majesty has for the time being jurisdiction.

(4) For the purposes of this Order a person shall not be deemed to hold a public office by reason only that he :—

(*a*) is a Chief, a Tribal Authority or a Member of a Tribal Authority, or a Member of a native court ; or

(*b*) is in receipt of a pension or other like allowance in respect of service under the Crown ;

and if it shall be declared by 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 law were enacted herein.

(5) The Interpretation Act, 1889(a), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Short title and commencement

2. This Order may be cited as the Sierra Leone (Legislative Council) Order in Council, 1951. It shall be published in the Gazette, and, 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 :*

Provided that the Governor may, from time to time, by notice in the Gazette, bring into operation any of the provisions of this Order specified in such notice before the date so appointed by Proclamation.

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 Legislative Council

Establishment of Legislative Council

4. There shall be a Legislative Council in and for Sierra Leone constituted in accordance with the provisions of this Order.

Constitution of Legislative Council

5. Subject to the provisions of this Order, the Legislative Council shall consist of:—

(i) the Governor, who shall be President ;
(ii) a Vice-President ;
(iii) seven Ex-Officio Members ;
(iv) twenty-one Elected Members ; and
(v) two Nominated Members :

Provided that the Council shall not at any time be deemed not to be properly constituted by reason only of the fact that no person has been elected to be Vice-President in accordance with the provisions of subsection (2) of section 15 of this Order.

Ex-officio Members

6. The Ex-Officio Members shall be :—

The Colonial Secretary ;
The Chief Commissioner for the Protectorate ;
The Attorney-General ;
The Financial Secretary ;
The Director of Medical Services ;
The Director of Education ; and
The Director of Agriculture.

* The date thus appointed was 1st September, 1951.

(a) 52 & 53 Vict. c. 63.

Elected Members

7.—(1) Subject to the provisions of this Order, the Elected Members shall be :—

(i) Seven persons, elected in the prescribed manner, each of whom shall represent one of the seven electoral districts of the Colony specified in subsection (2) of this section ;

(ii) Twelve persons elected by the District Councils of the Protectorate as provided in subsection (3) of this section ;

(iii) One person, being one of the African members of the Protectorate Assembly nominated by the Governor, elected by resolution of the Unofficial Members of the Protectorate Assembly, who alone shall vote on such resolution ; and

(iv) One person, being an Unofficial Member of the Protectorate Assembly, representing a district thereon, elected by resolution of the Unofficial Members of the Protectorate Assembly, who alone shall vote on such resolution.

(2)—(i) For the purpose of this Order the Colony shall be divided into the following electoral districts :—

(*a*) The Freetown East electoral district ;

(*b*) The Freetown Central electoral district ;

(*c*) The Freetown West electoral district ;

(*d*) The Waterloo and British Koya electoral district ;

(*e*) The Kissy and Mountain electoral district ;

(*f*) The Wilberforce and York electoral district ; and

(*g*) The Sherbro electoral district.

(ii) The Freetown East, Freetown Central and Freetown West electoral districts shall respectively comprise the East, Central and West Wards of the City of Freetown as delimited in section 6 of the Sierra Leone Freetown Municipality Ordinance(**a**).

(iii) The Waterloo and British Koya electoral district shall comprise the Waterloo and British Koya rural districts, the Kissy and Mountain electoral district shall comprise the Kissy and Mountain rural districts and the Wilberforce and York electoral district shall comprise the Wilberforce and York rural districts, as such rural districts are respectively delimited in section 3 of the Sierra Leone Rural Area Ordinance, 1949(**b**), and the First Schedule thereto.

(iv) The Sherbro electoral district shall comprise the Sherbro Judicial District as constituted by section 26 of the Sierra Leone Courts Ordinance(**c**).

(3) Each District Council shall elect from among its members one person to be a Member of the Council.

(4) 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(**d**) and the term " Colony " shall mean the remainder of Sierra Leone.

(**a**) Cap. 91 Revised Edition, Sierra Leone Laws, 1946.
(**b**) Sierra Leone Ordinance No. 11 of 1949.
(**c**) Cap. 50 Revised Edition, Sierra Leone Laws, 1946.
(**d**) Cap. 185 do.

Nominated Members

8.—(1) Subject to the provisions of this Order, the Nominated Members shall be two persons appointed by the Governor.

(2) The Nominated Members shall be appointed by the Governor by Instrument under the Public Seal.

(3) The Governor shall without delay report to His Majesty, through a Secretary of State, every appointment of any person as a Nominated Member; and every person so appointed shall hold his seat on the Council during His Majesty's pleasure, and subject thereto for the period provided for by this Order.

Extraordinary Members

9. The Governor may summon any person to any meeting of the Council, notwithstanding that such person may not be a member of the Council, when, in the opinion of the Governor, the business before the Council renders the presence of such person desirable. Any person so summoned shall be entitled to take part in the proceedings of the Council relating to the business in respect of which he is summoned as if he were a Member of the Council, except that he shall not have the right to vote in the Council.

Qualifications for Elected and Nominated Membership

10.—(1) Subject to the provisions of this Order, any person who is a British subject or a British protected person shall be qualified to be an Elected Member or a Nominated Member of the Council, and no other person shall be qualified to be elected or appointed thereto, or, having been so elected or appointed, shall sit or vote in the Council.

(2) Subject to the provisions of this Order, any person qualified to be registered and registered as an elector who:—

(*a*) being a candidate for election as an Elected Member for any one of the electoral districts mentioned in paragraph (ii) of subsection (2) of section 7 of this Order is at the date of election seised or possessed of property, whether real or personal, of an aggregate value of not less than two hundred and fifty pounds, or

(*b*) being a candidate for election as an Elected Member for any one of the electoral districts mentioned in paragraphs (iii) or (iv) of subsection (2) of section 7 of this Order is at the date of election seised or possessed of property, whether real or personal, of an aggregate value of not less than one hundred pounds,

shall be qualified to be an Elected Member for such electoral district.

Disqualification for Elected and Nominated Membership

11. No person shall be qualified to be elected as an Elected Member or appointed as a Nominated Member of the Council or, having been so elected or appointed, shall sit or vote in the Council, who at the time of election or appointment:—

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

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

(3) is serving, or has within the immediately preceding five years completed the serving of, a sentence of imprisonment (by whatever name called) of or exceeding twelve months imposed in any part of His Majesty's dominions, and has not received a free pardon; or

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

(5) 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 with the Government of Sierra Leone for or on account of the public service, and

(*a*) 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

(*b*) in the case of a Member elected in accordance with the provisions of paragraph (i) of subsection (1) of section 7 of this Order, has not published, within one month before the day of 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

(*c*) in the case of a Member elected in accordance with the provisions of either paragraph (ii) or paragraph (iii) or paragraph (iv) of subsection (1) of section 7 of this Order, has not disclosed the nature of such contract and his interest, or the interest of any such firm or company therein, to the appropriate District Council or to the Unofficial Members of the Protectorate Assembly, as the case may be; or

(6) 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

(7) 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 Council; or

(8) is disqualified for membership of the Council under any law or regulation for the time being in force in Sierra Leone relating to offences connected with the election of Members.

Vacation of Seats

12.—(1) The seat of an Elected Member or of a Nominated Member of the Council shall become vacant:—

(*a*) upon his death; or

(*b*) if he shall be absent from two consecutive meetings of the Council, without having obtained from the Governor, before the termination of either of such meetings, permission to be or to remain absent therefrom; or

(*c*) if he shall take any oath, or make any declaration or acknowledgement 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

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

(*e*) if in any part of His Majesty's dominions he shall be sentenced to death or to imprisonment (by whatever name called) for a term exceeding six months ; or

(*f*) if he shall become a party to any contract 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, 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 Council may by resolution exempt any Elected Member and the Governor 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 Council 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

(*g*) 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

(*h*) if he shall become disqualified for membership of the Council under any law or regulation for the time being in force in Sierra Leone relating to offences connected with the election of Members ; or

(*i*) if he shall, by writing under his hand addressed to the Governor, resign his seat in the Council ; or

(*j*) if, being an Elected Member, he shall be appointed to, or to act in, any public office ; or

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

(*l*) if, having been elected as an Elected Member in accordance with the provisions of paragraph (ii) of subsection (1) of section 7 of this Order, he shall cease to be a member of a District Council ; or

(*m*) if, having been elected as an Elected Member in accordance with the provisions of either paragraph (iii) or paragraph (iv) of subsection (1) of section 7 of this Order, he shall cease to be a member of the Protectorate Assembly ; or

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

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

(3) The Governor may, by Instrument under the Public Seal, declare any Nominated Member to be incapable of discharging his functions as a Member of the Council, and thereupon such Member shall not sit or vote in the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

(4) The Governor may, by Instrument under the Public Seal, suspend any Nominated Member from the exercise of his functions as such. Every such suspension shall forthwith be reported by the Governor to His 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 His Majesty through a Secretary of State, or until the person suspended ceases to be a Member of the Council.

(5) Whenever the seat of an Elected or Nominated Member shall become vacant under subsection (1) of this section, the vacancy shall forthwith be reported to the Governor in writing by the Clerk of the Council.

Decision of questions as to Membership

13.—(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 shall be referred to and decided by the Governor in Council.

Temporary Appointments

14.—(1) Whenever there shall be a vacancy in the number of persons sitting as Ex-Officio or Nominated Members of the Council, 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 6 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 unable to sit or vote in the Council in consequence of a declaration by the Governor, as provided in this Order, that he is incapable of discharging his functions as a Member; or

(*f*) a Nominated Member is suspended 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 Council;

the Governor may, by Instrument under the Public Seal, appoint a person to be a temporary Member for the period of such vacancy.

(2) If the vacancy is in the number of persons sitting in the Council as Ex-Officio Members, the person appointed shall be a person holding public office; and if the vacancy is in the number of persons sitting in the Council as Nominated Members, the person appointed shall be a person qualified for appointment as a Nominated Member.

(3) The period of any such vacancy shall terminate when the circumstances giving rise to the vacancy shall cease to exist.

(4) If a person is appointed under the provisions of this section to be a temporary Member to fill a vacancy in the number of persons sitting in the Council as Ex-Officio Members, then, so long as his appointment shall subsist, the provisions of this Order shall, subject to the provisions of this section, apply to him as if he were an Ex-Officio Member:

Provided that the provisions of subsection (2) of section 13 of this Order shall apply in relation to any such person as if he were a Nominated Member.

(5) If a person is appointed under the provisions of this section to be a temporary Member to fill a vacancy in the number of persons sitting in the Council as Nominated Members, then, so long as his appointment shall subsist, he shall be to all intents and purposes a Nominated Member and, subject to the provisions of this section, the provisions of section 12 of this Order shall have effect accordingly.

(6) The Governor shall forthwith report every temporary appointment made under this section to His Majesty through a Secretary of State; and such appointment may (without prejudice to anything done by virtue thereof) be revoked by the Governor by Instrument under the Public Seal.

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

Presiding in Legislative Council

15.—(1) The Governor, if present, shall preside at meetings of the Council.

(2) The Council may, 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 Vice-President thereof.

(3) In the Governor's absence—

(*a*) the Vice-President, if present, shall preside at meetings of the Council; and

(*b*) if the Vice-President is absent, or if for the time being there shall be no Vice-President, the Member present who stands first in the order of precedence shall preside.

(4) A person elected to be Vice-President may at any time, by writing under his hand addressed to the Governor, resign the office of Vice-President.

(5) Where a person is, at the time of his election as Vice-President, a Member of the Council, such person shall, upon vacating his seat in the Council, cease to be Vice-President thereof.

(6) Where a person is not, at the time of his election as Vice-President, a Member of the Council, he shall cease to be Vice-President thereof upon the happening of any event which would, if he were an Elected Member of the Council, cause his seat therein to become vacant.

Precedence of Members

16.—(1) After the Governor and the Vice-President, the Members of the Council shall take precedence among themselves as His Majesty may specially assign, and in default thereof as follows:—

(i) First, the Ex-Officio Members, in the order in which their offices are referred to in section 6 of this Order;

(ii) Secondly, the Elected and Nominated Members, according to the length of time during which they have been continuously Members of the Council, Members elected or appointed at the same time taking precedence among themselves according to the alphabetical order of their names.

(2) For the purposes of this section:—

(i) when the Council is dissolved, Members elected at the ensuing elections shall be deemed to have been elected, by virtue of those elections, and Nominated Members appointed to fill vacancies caused thereby shall be deemed to have been appointed, on the date of the return of the first writ at such elections; and

(ii) sub-paragraph (*a*) of this subsection shall apply to the Members elected or appointed to the Council as first constituted under this Order as if such elections or appointments were consequent upon a dissolution of the Council; and

(iii) in ascertaining the period during which a person has continuously been an Elected Member or a Nominated Member of the Council:—

(*a*) no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of the expiration of his tenure of office or a dissolution of the Council and the date of his re-election or reappointment to fill a vacancy in the Council caused by that expiration of tenure or that dissolution; and

(*b*) if any person, having been, for any period immediately before the appointed day, a Member of the Legislative Council constituted under the existing Orders, becomes a Member of the Council as first constituted under this Order, he shall be deemed to have been a Member of the Council so constituted for that period; and no account shall be taken of any interval between the day preceding the appointed day and the date upon which he is first elected or appointed to the Council or of any interval in his Membership of the Legislative Council constituted under the existing Orders between the expiration of his tenure of office and his election or appointment to fill the vacancy thereby caused.

Filling of Vacancies

17.—(1) Whenever the seat of an Elected Member becomes vacant a fresh election shall be held to fill the vacancy in accordance with the provisions of this Order.

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

First Elections, Appointments and Session

18. The first elections and appointments of Members to the Council shall be held and made not later than three months after the appointed day, and the first Session of the Council shall commence not later than four months after that day.

PART III

Legislation and Procedure of Legislature

Power to make Laws

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

Introduction of Bills, &c.

20. Subject to the provisions of this Order and of the Standing Rules and Orders of the Council, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, 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 sanction or recommendation of the Governor signified thereto, the Council shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Governor or other person 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 Council or any of them.

Voting

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

(2) The Governor shall have neither an original nor a casting vote.

(3) In the absence of the Governor, the Vice-President—

(*a*) if a Member of the Council at the time of his election to be Vice-President, shall retain his original vote as a Member but shall not have a casting vote; and

(*b*) if not a Member of the Council at the time of his election to be Vice-President, shall have neither an original nor a casting vote.

(4) In the absence of the Governor and the Vice-President, the presiding Member, including a Member presiding by virtue of his having been appointed Deputy for the Governor, shall retain his original vote as a Member but shall not have a casting vote.

(5) If, upon any question before the Council, the votes are equally divided, the motion shall be declared to be lost.

Vacancies and quorum

22.—(1) The Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members; and any proceedings therein shall be valid, notwithstanding that some person who was not entitled to do so sat or voted in the Council or otherwise took part in the proceedings.

(2) No business except that of adjournment shall be transacted if objection is taken by any Member present that there are less than ten Members present besides the President, Vice-President or other Presiding Member.

Royal Instructions

23. Subject to the provisions of this Order the Governor and the Council 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 His Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Governor's reserved power

24.—(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 Council should have effect, then, if the Council fail to pass 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 Council, declare that such Bill or motion shall have effect as if it had been passed by the Council, 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 Council or in any Committee thereof; and thereupon the said Bill or motion shall have effect as if it had been so passed, 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 sub-paragraph (ii) of paragraph (*b*) of subsection (2) of this section, the grounds of urgency.

(4) If any Member of the Council 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(a), shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Assent to Bills

25.—(1) No Bill shall become a law until either the Governor shall have assented thereto in His Majesty's name and on His Majesty's behalf and shall have signed the same in token of such assent, or His Majesty shall have given his 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 His 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 His Majesty's pleasure:

Provided that the Governor shall reserve for the signification of His Majesty's pleasure 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, 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 the law or in some other enactment (including any enactment 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 His Majesty's pleasure shall become a law so soon as His Majesty shall have given His assent thereto, through a Secretary of State, and the Governor shall have

(a) 52 & 53 Vict. c. 63.

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 the law or in some other enactment (including any enactment in force on the appointed day), that it shall come into operation on some other date, on that date.

Disallowance of Laws

26.—(1) Any law to which the Governor shall have given his assent may be disallowed by His Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by His 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(**a**), shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Sittings and Sessions of the Council

27.—(1) The Sittings of the Council shall be held at such times and places as the Governor shall from time to time by Proclamation or notice appoint.

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

Standing Rules and Orders

28.—(1) Subject to the provision of this Order and of any Instructions under His Majesty's Sign Manual and Signet, the Council 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 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 Council; and the said Standing Rules and Orders may be amended or revoked by Standing Rules and Orders made under the preceding subsection.

Prorogation and Dissolution

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

(2) On dissolution, all Members shall vacate their seats, and the Council shall be reconstituted by election and appointment in accordance with the provisions of this Order at such time, within three months of every dissolution, as the Governor shall by Proclamation published in the Gazette appoint.

(a) 52 & 53 Vict. c. 63.

(3) The Governor shall dissolve the Council at the expiration of five years from the date of the report to him of the return of the first writ at the last preceding general election, if it shall not have been sooner dissolved.

Oath of Allegiance

30. Except for the purpose of enabling this section to be complied with, no Member of the Council 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 day on which any person becomes a Member of the Council and the time of the next meeting of the Council after that day, a meeting takes place of any Committee of the Council 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 before a Judge of the Supreme Court; and the taking and subscribing of the Oath in such manner shall suffice for all the purposes of this section. In any such case the Judge shall forthwith report to the Governor that the person in question has taken and subscribed the said Oath before him.

PART IV

Miscellaneous

Laws as to Elections

31. Provision may be made, by or in pursuance of any law enacted under this Order, for the election of Elected Members of the Council, 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 ascertainment of the qualifications of voters and of candidates for election;
(*c*) the registration of voters;
(*d*) the holding of elections;
(*e*) the determination of all questions which may arise as to the right of any person to be or remain an Elected Member;
(*f*) the definition and trial of offences in relation to elections and the imposition of penalties therefor, including disqualification for Membership of the Council, or for registration as a voter, or for voting, of any person concerned in any such offence.

Transitional Provisions as to Elections

32.—(1) Notwithstanding anything contained in the Sierra Leone (Legislative Council) Order in Council, 1924, provision may be made at any time before the appointed day by laws made under the existing Orders, and at any time after the appointed day and before the first sitting of the Council under this Order by Proclamation by the Governor published in the Gazette, in respect of all or any of the matters specified in section 31 of this Order.

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

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

(3) It shall not be necessary for any law enacted in accordance with the provisions of this section to be reserved for the signification of His Majesty's pleasure.

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

(5) This section shall come into operation forthwith.

Penalty for unqualified person sitting or voting

33.—(1) Any person who :—

(*a*) having been elected or appointed a Member of the Council, but not having been at the time of such election or appointment qualified to be so elected or appointed, shall sit or vote in the Council, or

(*b*) shall sit or vote in the Council after his seat thereon has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding twenty pounds for every day upon which he so sits or votes.

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

Removal of difficulties

34.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purposes of removing the difficulty, and may, by such Order, amend or add to any provision of this Order :

Provided that no Order under this section shall be made later than the first day of July, 1952.

(2) Any Order made under this section may be amended, added to or revoked by a further Order, and may be given retrospective effect to a day not earlier than the date of this Order.

(3) This section shall come into operation forthwith.

Powers reserved to His Majesty

35.—(1) His Majesty hereby reserves to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to revoke, add to or amend this Order, as to Him or Them shall seem fit.

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

E. C. E. Leadbitter.

SCHEDULE Section 1.

EXISTING ORDERS IN COUNCIL

The Sierra Leone (Legislative Council) Order in Council, 1924(a).

The Sierra Leone (Legislative Council) (Amendment) Order in Council, 1939(b).

(a) S.R. & O. 1924 (No. 1159) p. 418. (b) S.R. & O. 1939 (No. 1924) II, p. 1694.

EXPLANATORY NOTE

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

This Order revokes the Sierra Leone (Legislative Council) Order in Council, 1924, and the Sierra Leone (Legislative Council) (Amendment) Order in Council, 1939.

The Order establishes a Legislative Council consisting of the Governor as President, a Vice-President, seven Ex-Officio Members, twenty-one Elected Members and two Nominated Members.

The Sierra Leone Protectorate Order in Council, 1951

1951 No. 610

Made - - - - *9th April,* 1951
Laid before Parliament 10*th April,* 1951
Coming into Operation *On a day to be appointed by the Governor under Section 2**

At the Court at Buckingham Palace, the 9th day of April, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by the Sierra Leone Protectorate Order in Council, 1924(a), provision is made for the administration and government of the Protectorate of Sierra Leone:

And Whereas it is expedient to make further provision for the matters aforesaid:

Now, therefore, His Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(b), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Interpretation

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

"the Colony" means the Colony of Sierra Leone;

"the Protectorate" means the Protectorate of Sierra Leone as defined in this Order;

"Sierra Leone" means the Colony and Protectorate;

"the Governor" means the Governor, Commander in Chief and Vice-Admiral of the Colony 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 existing Order" means the Sierra Leone Protectorate Order in Council, 1924;

"the Gazette" means the Sierra Leone Royal Gazette;

"the appointed day" means the day fixed under Section 2 of this Order;

(2) The Interpretation Act, 1889(c), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

* The date thus appointed was 27th November, 1951.

(a) S.R. & O. 1924 (No. 1158) p. 412. (b) 53 & 54 Vict. c. 37.
(c) 52 & 53 Vict. c. 63.