

BILL

A BILL ENTITLED

Short title.

THE LAW REFORM COMMISSION BILL, 2023

Being an Act to strengthen the legal and institutional framework of the Commission and to provide for other matters connected therewith.

Date of commencement

[DECEMBER 2023]

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1 - PRELIMINARY

Interpretation

1. In this Act, unless the context otherwise requires
“Chairman” means the Chairman of the Commission appointed under sections 3 and 4;
“Commission” means the Law Reform Commission established under section 2;
“Commissioner” means the Chairman and other Commissioners”;
“Head of department” means the person who is heading the department or faculty of law at the university;
“Member” means a Commissioner;
“Minister” means Attorney-General & Minister of Justice;
“Executive Secretary” means the Executive Secretary to the Commission appointed under section 16.

**PART II—THE FRAMEWORK OF THE COMMISSION
AND OTHER RELATED MATTERS**

**Commission
as corporate
entity.**

- 2 (1). There shall continue to be in existence the body known as the Law Reform Commission (hereinafter referred to as “the Commission”).
- (2) The Commission shall be a body corporate having perpetual succession and shall be capable of—
- (a) acquiring, holding and disposing of movable and immovable property;
 - (b) suing and being sued in its corporate name; and
 - (c) performing all such acts as bodies corporate may by law perform.
- (3) The Commission shall have a seal, the use of which shall be authenticated by the signatures of—
- (a) The Chairman or any other member of the Commission authorized either generally or specifically by the Commission in that behalf; and
 - (b) the Executive Secretary.

**Composition
of
Commission.**

- 3 (1). The Commission shall consist of a Chairman and six other Commissioners appointed by the President.
- (2) The following shall be members of the Commission:
- (a) The Chairman, who shall be qualified to hold the highest judicial office in Sierra Leone.
 - (b) A justice of the superior court of judicature nominated by the Chief Justice;
 - (c) A legal practitioner of not less than fifteen years’ standing at the Bar nominated by the Attorney-General and Minister of Justice;
 - (d) Two legal practitioners of not less than ten years’ standing who are members of the Sierra Leone Bar

Association nominated by the Sierra Leone Bar Association;

(e) The Director of the Sierra Leone Law School or any other school of law doing the Bar Final Exams in Sierra Leone;

(f) A senior lecturer of law from any recognised university in Sierra Leone who holds a higher degree in law nominated by the Head of Department of that university.

(3) The representation mentioned in subsection (3) paragraph (f) shall be rotational among the universities in Sierra Leone.

**Tenure of
office for
commissioner
s.**

4 (1). The Chairman and members of the Commission shall be appointed for a term of three years and may be eligible for reappointment.

(2) Subject to subsection 1, the Chairman may serve on a part time or full-time basis on such terms and conditions as may be specified by the President.

(3) Any person appointed to be Chairman or a Commissioner who holds any other office shall not be required to relinquish that office by virtue only of his position as a member of the Commission.

(4) Subject to this Act, the other members of the Commission shall serve on a non-permanent basis on such terms and conditions as may be specified by the President.

**When person
ceases to
become
member.**

5. A person shall cease to be a member of the Commission on any of the following grounds—

(a) inability to perform the functions of his office by reason of infirmity of body or mind;

(b) proven misconduct;

(c) if he becomes bankrupt or insolvent;

- (d) if he is convicted of an indictable offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Commission without reasonable cause after being given proper notice of such meetings;
- (f) if he resigns by written notice to the President.

Executive Secretary to inform President of existing vacancy in the Commission.

6. Where a person ceases to be a member of the Commission under the circumstances specified in section 5 or where that person's tenure expires by effluxion of time the Executive Secretary shall inform the President of the vacancy.

Meetings of Commission.

7. (1) The Commission shall meet for the dispatch of its business at such time and place as the Chairman may determine.
- (2) The Chairman shall preside at meetings of the Commission and in the absence of the Chairman, a member of the Commission elected by the members present from among their number, shall preside.
- (3) The quorum for a meeting of the Commission shall be four.
- (4) The Commission may co-opt a person to attend its meetings and provide technical or other advice to the Commission or otherwise assist at its meetings but such person shall not vote on any matter for decision by the Commission.
- (5) Decision of the Commission shall be taken by a simple majority of the members present and voting and in the event of equality of votes the Chairman shall have a casting vote.

(6) Subject to this Act, the Commission shall make regulations to govern conduct of its meetings.

Remuneration.

8 The Chairman and other members of the Commission shall be paid such remuneration, fees or allowances as may be determined by Government.

Committees of the Commission.

9 (1) The Commission may, for the effective discharge of its functions, establish committees.

(2) A committee established pursuant to sub-section 1 shall at the discretion of the Commission consist of members or nonmembers of the Commission appointed by the Commission to study and make recommendations to it on any field of law in which the Commission is concerned and, in which such persons may have specialized or expert knowledge.

(3) Members of the committees shall be paid such allowances and expenses as the Commission may determine.

(4) The quorum of any committee set up under this section shall be determined by the Commission.

provided that at least one member of a committee shall be a Commissioner.

Provincial offices.

10. The Commission may establish such provincial offices as it may consider necessary for the efficient discharge of its functions.

PART III – FUNCTIONS OF THE COMMISSION

Objects of the Commission.

11. The Commission shall study and keep under constant review the laws in force in Sierra Leone, both statutory and otherwise, with a view to making recommendations

for their systematic improvement, development, modernization and reform with particular emphasis on—

- a. the elimination of anomalies in the law;
- b. the repeal of obsolete and unnecessary laws;
- c. the simplification of the laws;
- d. the reflection in the laws of the customs, values and norms of societies in Sierra Leone;
- e. the development of new areas in the law;
- f. the adoption of new and more effective methods for the administration of the law and dispensation of justice;
- g. ensuring that the law is consistent, harmonized, just, accessible and cost-effective in its application;
- h. ensuring that the laws conform with international instruments signed, ratified or acceded to by Sierra Leone; and
- i. the consolidation and codification of the laws of Sierra Leone.

**Duties of the
Commission.**

12. (1) The Commission shall—

(a) provide information and advice to ministries, departments and agencies of Government with regard to the development, reform or amendment of any area of the law pertaining to the work of their respective institutions;

(b) collaborate with ministries, departments and agencies of Government and non-state organs in the review and reform of laws and upon request, provide technical assistance with regard to the development, reform or amendment of any area of the law;

- (c) upon request or on its own motion, undertake research and comparative studies relating to the development, reform or amendment of any area of the law;
 - (d) formulate and implement programmes, plans and actions for the effective reform of laws;
 - (e) if after investigating any matter it is of the opinion that legislation ought to be enacted with regard to that matter, shall formulate by means of draft bills or otherwise, any proposals for the development, reform or amendment of the law;
 - (f) monitor and evaluate the impact of legislation on the lives of ordinary citizens;
 - (g) undertake public education on matters relating to law reform;
 - (h) keep an updated database of all laws passed by Parliament and all laws under review;
 - (i) develop measures to make the legal system more efficient, economical and accessible;
 - (j) forge productive networks among academic and other national and international bodies and institutions in order to fulfil the objectives of the Commission;
 - (k) keep the public informed of its work and programmes;
and
 - (l) perform such other functions as may be prescribed by any other law.
- (2) Subject to the provisions of sub-section 1 every ministry, department or agency shall notify and collaborate with the Commission in its law reform works.
- (3) The Commission shall submit to the Attorney-General and Minister of Justice proposals for law reform that the

Commission has initiated itself or at his request or any other party.

**Role of the
Attorney-Gen-
eral.**

- 13 (1) The Attorney-General and Minister of Justice shall at the end of every year prepare a report on—
- (a) the proposals of the Commission implemented (in whole or in part) during the year; and
 - (b) the proposals of the Commission that have not been implemented (in whole or in part) as at the end of the year, including—
 - (i) plans for dealing with any of those proposals;
 - (ii) any decision not to implement any of those proposals (in whole or in part) taken during the year and the reasons for the decision.
- (2) The Attorney-General and Minister of Justice shall lay the report before Parliament.

**Powers of the
Commission.**

14. The Commission shall have powers to—
- (a) initiate, undertake, promote and evaluate studies and research in any area of the law;
 - (b) support, publish, sell or otherwise disseminate studies, reports and other documents prepared by it or connected to its work;
 - (c) sponsor or support conferences, seminars and other meetings;
 - (d) establish, facilitate and support relationships and collaborate with local and international bodies and institutions interested in the work of the Commission;
 - (e) do all such things as are conducive to the furtherance of its mandate.

PART IV–SECRETARIAT OF THE COMMISSION

- The Secretariat.**
15. The Commission shall have a secretariat which shall be headed by the Executive Secretary.
- Executive Secretary to the Commission.**
16. (1) The Executive Secretary of the Commission shall be appointed by the Commission.
- (2) A person shall be qualified for appointment as Executive Secretary to the Commission if he is a legal practitioner of not less than ten years post enrollment standing at the Bar with proven managerial and administrative experience.
- Functions of the Executive Secretary.**
17. Subject to the general control of the Commission the Executive Secretary shall be responsible for;
- a. carrying out the policy decisions of the Commission;
 - b. the day-to-day administration and management of the affairs of the Commission;
 - c. the financial management of the Commission;
 - d. supervising the work of other staff of the Commission;
 - e. recording and keeping the minutes of meetings of the Commission; and
 - f. such other duties as the Commission may direct.
- Departments of the Commission.**
18. The Commission shall establish such departments and directorates as it may deem necessary for the performance of its functions.
- Other staff of the Commission**
19. The work of the Commission shall carried out by–
- (a) such professional, technical and administrative officers and support staff as may be appointed by the Commission for the efficient discharge of its functions; and

(b) such public officers as may, upon the request of the Commission, be seconded by the office of the Attorney-General & Minister of Justice, the Public Service Commission or such other ministries, departments or agencies of Government to the Commission.

Hire of consultants and other persons.

20 (1) The Commission may, where it considers it expedient to do so, hire, engage or retain the services of such professionals, experts, consultants and other person as may be necessary for the effective performance of its functions.

(2) The Commission shall pay to the persons referred to in subsection (1), such fees and allowances as the Commission may determine.

Protection from personal liability.

21. No action, suit or other legal proceeding shall lie against the Chairman, Commissioners, members of staff of the Commission, or any person working under the instructions of the Commission, in respect of any decision, taken or any act done or omitted to be done, in good faith, in the performance of any function under this Act.

Conflict of interest.

22 (1) When any person is present at a meeting of the Commission or any committee at which any matter is the subject of consideration and in which that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Commission or committee otherwise directs, take part in any consideration or discussion of, or vote on any question connected to such matter.

- (2) The disclosure of interest shall be recorded in the minutes of the meeting at which it is made.

PART V - FINANCIAL PROVISIONS

**Funds of the
Commission.**

- 23(1) The funds of the Commission shall consist of-
- (a) monies appropriated by Parliament for purposes of the Commission;
 - (b) grants, gifts, loans, donations or bequests from sources within or outside Sierra Leone made to the Commission;
 - (c) such funds as may be generated by the Commission in the discharge of its functions or exercise of its powers under this Act; and
 - (d) such other monies as may vest in or accrue to the Commission.

- (2) The Commission may –
- (a) raise money by way of loans or otherwise for the discharge of its functions; and
 - (b) charge and collect fees in respect of programmes, publications, seminars, consultancy services and other services provided by the Commission.

- (3) The Commission shall, before the commencement of each financial year, submit to the Minister responsible for finance, estimates of income and expenditure of the Commission for the ensuing financial year.

**Accounts and
audit.**

- 24(1) The Commission shall keep proper books of account and proper records in relation to the funds of the Commission and the books of account and records shall be in such form as the Auditor-General shall approve.

**Annual and
other reports.**

- (2) The books of account of the Commission shall be audited by the Auditor-General or by an auditor appointed by him within three months after the end of each financial year.
- (3) The Commission shall be liable to account to Parliament for its funds in the manner applicable to Government departments.
- 25(1) The Executive Secretary shall, within three months after the end of each financial year of the Commission, submit to the Commission for its approval, an annual report of the activities, operations, property and finances of the Commission for that year.
- (2) The report referred to in subsection (1) shall include a copy of the audited accounts of the Commission together with the audit report on the accounts.
- (3) The annual report approved by the Commission shall be submitted by the Commission to the President and the Attorney-General & Minister of Justice, not later than six months after the end of the year to which it relates.
- (4) The Attorney-General & Minister of Justice shall, as soon as possible, but not later than one month after receipt of the report, present the report together with any comments he may make on it, to Cabinet and shall lay the same before Parliament.
- (5) The Commission shall prepare a full report with regard to any matter investigated or reviewed by it and shall submit such report together with draft legislation, if any, prepared by it, to the Attorney General & Minister of Justice for consideration.
- (6) Where the Attorney-General & Minister of Justice has referred a matter to the Commission-

(a) the Commission may, at any time before making its final report in pursuance of the reference, make an interim report on its work under such reference; and

(b) the Attorney-General may, at any time before the Commission makes its final report in pursuance of the references, direct the Commission to make an interim report on its work under such reference.

(7) The Commission may, from time to time, publish general reports on its activities for sale to members of the public.

Regulations.

26. The Commission may from time to time, by statutory instrument, make regulations for the carrying out of the provisions of this Act.

Repeal and savings.

27 (1) The Law Reform Commission Act 1994 is hereby repealed.

(2) The Chairman and members who immediately before the commencement of this Act were serving at the Commission shall, upon commencement of this Act, continue in office for the unexpired period of their terms.

(3) A person who, immediately before the commencement of this Act, was an employee of the Commission shall, upon Commencement of this Act, be deemed to be an employee of the Commission.

(4) Notwithstanding subsection (1), any rules, regulations, orders, notices, prescriptions and other instruments or directives issued under the repealed Act and in existence immediately before the commencement of this Act, shall continue in operation until their expiration or until their express repeal or revocation.

- (5) Subject to this Act, all the rights, duties, obligations, assets and liabilities of the Commission existing at the commencement of this Act shall be automatically and without more transferred to the Commission.
- (6) Any proceedings instituted or pending by or against the Commission immediately prior to the commencement of this Act shall continue as if instituted under this Act.