

THE LAW REFORM COMMISSION'S REVIEW PROCESS

The main stages in the review process approved by the Commission this 4th day of October 2023 are set out herein:

- **INVITATION OF LEGISLATIVE REFORM PROPOSALS FROM MINISTRIES, DEPARTMENTS AND AGENCIES (MDAS) AND THE GENERAL PUBLIC:**

At the start of every year, the Commission will send out letters to MDAs inviting proposals for reform of the law governing their institutions and/or operations. The Secretariat then analyses the proposals and submit them to the Commission for decision. The Commissioners will then consider these proposals and determine the order of priority for action. The parameters used to prioritise the proposals for reform received by the Commission include the importance of the proposal in the scheme of national development and the level of public interest in the proposal.

- **RESEARCH ON SELECTED TOPICS FOR REVIEW, FOCUSING ON THE PRIMARY, SECONDARY AND OTHER SOURCES OF THE LAW SELECTED FOR REVIEW:**

Research into the primary sources, to wit, statutes and case law, will then be carried out primarily to identify the statute(s) which govern the law in that area. Research will also be carried out into the secondary sources of the law under review such as law textbooks, journals and law reviews. Statutes and case law on the subject matter from other jurisdictions on the subject matter will also be examined. The main objective of examining statutes and case law from other jurisdictions will be to find out how the law has developed in other jurisdictions. Background Papers are prepared on the subject matter under review.

- **PUBLIC CONSULTATIONS:**

These are aimed primarily at informing stakeholders about the law under review, involving as wide a spectrum of the society as possible in the law reform process and eliciting their input. Public consultations will take different forms depending on the area of the law under review. If the area of the law concerns a specialised area of the law, the Commission should embark on limited consultations, but where the area of the law is likely going to affect the entire society, the Commission should embark on nation-wide consultations. The primary objectives of these consultations are to inform stakeholders and the public of the current state of the law under review; to ascertain the range of issues involved in the law under review; and to

obtain proposals and suggestions for consideration by the Commission.

The public consultation will take the form of seminars in which presentations by experts in the area of the law under review are made. After the presentations, participants should be asked to articulate their views and recommendations which must be documented.

- **WRITING OF ISSUES PAPER:**

As part of its consultation strategy, the Commission should sometimes produce Issues Papers and Discussion Papers. An Issues Paper provides a preliminary look at issues surrounding the area of the law selected for review and suggests or outlines principles which could guide proposals for reform. It must serve to educate the community about the range of issues under consideration and invite feedbacks in the form of submissions. Discussion Papers, which should be much more detailed documents, compared with Issues Papers, will provide a detailed account of the Commission's research to that point, including a summary of the various consultations and submission received and set out draft proposals for reform.

- **ESTABLISHMENT OF SUB-COMMITTEE:**

Sub-committees consisting mainly of experts in the law under review and interested persons. Sub-committees of the Commission are established pursuant to powers conferred on the Commission under the Law Reform Commission Act and could be chaired by one of the Commissioners of the Commission or a designated person with vast experience in the area of the law under review. The Sub-committee shall examine all relevant legislations pertaining to the subject under review including the Constitution, where relevant, and the principal statute, if any, governing the area of the law under review and the reports of the consultative meetings held and any other materials relevant to the work of the Sub-committee. The Sub-committee should also take into consideration Sierra Leone's international obligations under the various instruments to which Sierra Leone is a signatory. The Sub-committee is required to produce and submit a report containing its recommendation for reform of the law under review to the Commission.

- **CONSIDERATION OF SUB-COMMITTEE REPORT BY THE COMMISSION:**

The Commission shall consider reports of Sub-committees during its end of year conference to which members of the Sub-committees will

be invited. During the conference, the Chairmen of the Sub-committees shall present their reports. Where appropriate, the reports shall be presented together with a draft Bill of the area of the law reviewed. Discussions on the presentations shall ensue following the presentations. After considering a report, the Commission shall either:

- (a) Accept the report in its entirety;
- (b) Accept the report in part and request the Sub-committee to do further work; or
- (c) Reject the report and reconstitute another Sub-committee to commence the review afresh.

• **DRAFTING OF PROPOSALS FOR REFORM OF THE LAW UNDER REVIEW:**

Where the Commission accepts the recommendations of the Sub-committee, it shall issue drafting instructions for a draft law / bill on the subject matter under review. Depending on the level of public interest in the law under review, the Commission may hold further consultations on the report and the draft Bill before a final report is produced.

• **SUBMISSION OF PROPOSALS TO THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE:**

As soon as a final report of any review of the law is produced, the Commission shall submit same to the Honourable Attorney-General & Minister of Justice as required by the Law Reform Commission Act. The Attorney-General and Minister of Justice is required under the Act to submit the reports of the Commission to Cabinet.

• **FOLLOW UP ACTIONS SUBSEQUENT TO SUBMISSION TO THE ATTORNEY-GENERAL & MINISTER OF JUSTICE:**

The Commission led by the Chairman, the Secretary and one Commissioner appointed by the Commission shall make periodic follow-up calls, arrange and hold meetings with the Attorney-General & Minister of Justice to find out the position of that office and the Government in respect of all reports submitted to that office. This process should ensure that the work and efforts of the Commission do not go in vain. The Commission should, as part of this effort, seek to lobby members of Cabinet, Parliament and other Government officials to ensure that projects are seen to completion i. e. enactment. Members of the Commission should be updated on a quarterly basis on efforts made, achievements attained and obstacles encountered

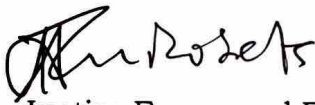
under this limb. Suggestions and recommendations should be encouraged from the Commission which shall be implemented / executed by this group. Commissioners who are not amongst those designated under this limb should be encouraged to pursue avenues that would be beneficial in having outstanding projects concluded.

Made this 4th of October 2023



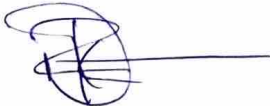
Yada Hashim Williams Esq.
(Chairman)

- Commissioner



Justice Emmanuel E. Roberts (JSC)
(Nominee of the Chief Justice)

- Commissioner



Osman Kanu esq.
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- Commissioner



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- Commissioner



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