

SIGNED this 13th day of September, 1999.

AHMAD TEJAN KABBAH,
President.

LS

No. 6



1999

Sierra Leone

The Constitutional and Statutory Instruments Act, Short title.
1999

Being an Act to provide for the enactment and publication of subsidiary legislation by constitutional instrument or statutory instrument, as the case may be, and for other matters connected therewith.

[16th September, 1999] Date of commencement.

WHEREAS by section 170 of the Constitution,

“(1) The Laws of Sierra Leone shall comprise—

- (c) any orders, rules, regulations and other statutory instruments made by any person or authority pursuant to a power conferred in that behalf by this Constitution or any other law”:

AND WHEREAS by section 171 of the Constitution,

“constitutional instrument” means an instrument made under a power conferred in that behalf by the Constitution”, and

“statutory instrument” means any proclamation, regulation, order, rule or other instrument (not being an Act of Parliament) having the force of law”:

AND WHEREAS it is desirable that additional provision be made in respect of statutory instruments and constitutional instruments:

NOW, THEREFORE, it is enacted by the President and Members of Parliament in this present Parliament assembled as follows:—

PART I — SUBSIDIARY LEGISLATION BY STATUTORY INSTRUMENT

Power to make statutory and constitutional instruments.

1. (1) Where in any Act, power is conferred on any person or authority to make any proclamation, regulation, order, rule, notice, by-law or any other instrument having the force of law, that power shall be exercised by statutory instrument.

(2) Subject to section 14, where the power referred to in subsection (1) is conferred by the Constitution or it is so required thereunder, the power shall be exercised by a constitutional instrument.

Authentication of statutory instrument.

2. A statutory instrument shall be authenticated by the signature at the end thereof, of the person or authority empowered to make it.

Commencement of statutory instrument.

3. (1) In accordance with subsection (7) of section 170 of the Constitution, every statutory instrument shall be laid before Parliament and shall be published in the *Gazette* on or before the date of being so laid:

Provided that only section 29 of the Constitution shall apply to the approval of any Proclamation or other instrument made under that section.

(2) A statutory instrument laid before Parliament shall come into force at the end of twenty-one days from the date of being so laid unless before then, it has been annulled by Parliament by the votes of not less than two-thirds of the members of Parliament.

(3) The publication of a statutory instrument in the *Gazette* shall be under the title of statutory instrument issued as a supplement to the *Gazette* and, accordingly, the use of a public notice for that purpose is discontinued.

4. The Interpretation Act, 1971 is amended in subsection (1) of section 4 thereof, by the repeal of the definition of public notice.

Repeal of definition of public notice. Act No. 8 of 1971.

5. Unless the context otherwise requires, any reference to public notice in any enactment in existence immediately before the coming into operation of this Act, shall be construed as a reference to statutory instrument or constitutional instrument, as the case may be.

Adaptation of references to public notice.

6. It shall be sufficient for all purposes to cite a statutory instrument either by the title set out at the head of the instrument or by the number assigned to the instrument on publication and the calendar year or by both.

Citation of statutory instrument.

7. When an Act confers power to make a statutory instrument, the Act shall, unless the context otherwise requires, be deemed also to confer power, exercisable by like authority and in the like manner, to amend or revoke the statutory instrument.

Power to amend or revoke statutory instrument.

8. Unless a contrary intention appears, the revocation of a statutory instrument shall not—

Effect of revocation.

- (a) revive anything not in force or existing at the time when the revocation takes effect; or

- (b) affect the previous operation of the statutory instrument revoked or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed thereunder; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced; and any such penalty, forfeiture or punishment may be imposed, as if the statutory instrument had not been revoked.

Reprinting of amended statutory instrument.

9. On the direction of the Attorney-General and Minister of Justice, a statutory instrument which has been amended, may be reprinted in whole or in part together with marginal reference to the amending enactment, and in a form which gives effect to the amendment thereto, and when published by authority, the statutory instrument or part thereof as so reprinted, shall be conclusive evidence of the provisions of the amended instrument or part concerned:

Provided that any such reprinting shall not be deemed to alter the date on which any amendment became effective.

PART II — FORM OF STATUTORY INSTRUMENTS

Short title of statutory instrument.

10. Every statutory instrument shall bear at the head a short title but shall not include any other provision in the instrument conferring a short title.

Words of enactment.

11. (1) The short title shall be followed by words of enactment in the following form —

“In exercise of the powers conferred on him/it by section.....of.....Act, 19..... the Minister of...../the Police Council [with the approval of/after consultation with.....] hereby makes the following Order/Regulations: —”

(2) The description in the words of enactment of the person or authority on whom the powers are stated to be conferred shall correspond with the description given in the empowering enactment.

12. Where the Act conferring power to make a statutory instrument lays down conditions which must be satisfied before the statutory instrument is made, the words of enactment shall be prefaced, where appropriate, by a preamble stating that the conditions have been satisfied. Preamble for recitals.

13. (1) Where a statutory instrument contains more than one paragraph, each paragraph shall be numbered and shall be given a side note briefly describing the paragraph. Numbering of paragraphs and side-notes.

(2) In this section, “paragraph” includes a regulation, rule or similar division of the statutory instrument.

14. Sections 2 to 13 shall apply, with the necessary modifications, to constitutional instruments. Adaptation of sections 2 to 13 to constitutional instruments.

PART III — SPECIAL PROVISIONS

15. An Act conferring power to make a statutory instrument shall not be taken to authorise the inclusion in the statutory instrument of any provision amending, repealing or conflicting with any enactment except as may be expressly stated in the Act conferring the power. Limitation of power to amend Acts.

16. There may be included in a statutory instrument containing any prohibition or requirement, a provision whereby a person failing to comply with the prohibition or requirement is made liable to penalties: Penalty provision.

Provided that the penalty for one offence shall not exceed a fine of Le400,000.00 or imprisonment of twelve months or both.

Passed in Parliament this *31st* day of *August* in the year of our Lord one thousand, nine hundred and ninety-nine.

J. A. CARPENTER,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. A. CARPENTER,
Clerk of Parliament.