

SIGNED this 24th day of May, 1973.

SIAKA STEVENS,
President.

LS

No. 4

1973



Sierra Leone

The Sierra Leone Citizenship Act, 1973

Short title.

Being an Act to consolidate and amend the law relating to the acquisition and loss of citizenship, and for matters connected therewith

[24th May, 1973.] Date of commencement.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

PART I—PRELIMINARY

1. (1) In this Act, unless a contrary intention appears—
“Act” means Act of Parliament;

Interpretation.

“alien” means a person who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

“certificate of naturalisation” means a certificate of naturalisation granted under this Act;

“Commonwealth” means the Commonwealth as defined in subsection (3) of section 12 of this Act, and any dependency of any country named therein;

“father” includes a natural, but not an adoptive father;

“foreign country” means a country (other than the Republic of Ireland) that is not part of the Commonwealth;

“the Minister” means the member of Cabinet charged with responsibility for matters relating to citizenship;

“person of negro African descent” means a person whose father and father’s father are or were negroes of African origin;

“Sierra Leone Consulate” means an office of a consular officer of the Government of Sierra Leone or any other office as may be prescribed for the purposes of this Act;

(2) For the purpose of this Act, a person born aboard a registered or unregistered ship or aircraft of the Government of any country shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) A person shall, for the purpose of this Act, be of full age if he has attained the age of twenty-one years, and of full capacity if he is not of unsound mind.

(4) A person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

PART II—CITIZENSHIP BY BIRTH

Citizenship
by birth.

2. Every person who, having been born in Sierra Leone before the nineteenth day of April, 1971, or who was resident in Sierra Leone on the eighteenth day of April, 1971, and not the subject of any other State shall, on the nineteenth day of April, 1971, be deemed to be a citizen of Sierra Leone by birth:

Provided that—

(a) his father or his grandfather was born in Sierra Leone; and

(b) he is a person of negro African descent;

3. Every person born in Sierra Leone on or after the nineteenth day of April, 1971, in the circumstances set out in section 2, shall be deemed to be a citizen of Sierra Leone by birth. Citizenship by birth in Sierra Leone.

4. Every person born or resident outside Sierra Leone on or before the eighteenth day of April, 1971, and who, but for such birth or residence outside Sierra Leone would be a citizen of Sierra Leone by virtue of section 2, shall, on the nineteenth day of April, 1971, be deemed to be a citizen of Sierra Leone by birth. Citizenship by birth outside Sierra Leone.

5. Every person born outside Sierra Leone on or after the nineteenth day of April, 1971, of a father who was or would but for his death have been a citizen of Sierra Leone by virtue of sections 2, 3 and 4, is a citizen of Sierra Leone by birth. Citizenship by descent.

6. Every person whose mother is or was a citizen of Sierra Leone by virtue of sections 2, 3, 4 and 5 and who does not or did not acquire the citizenship of another State shall be deemed to be a citizen of Sierra Leone by birth. Other category of citizenship.

PART III—CITIZENSHIP BY NATURALIZATION

7. Every woman who is not a Sierra Leonean and who is or has been married to a Sierra Leone citizen, may, on application being made by her in the prescribed manner, be granted a certificate of naturalisation. Citizenship by naturalisation.

8. (1) Every person of negro African descent born in Sierra Leone after the eighteenth day of April, 1971, may on application being made by him in the manner prescribed, be granted a certificate of naturalisation: Naturalisation of person of negro African descent.

Provided that a person shall not be granted a certificate by virtue of this section if at the time of his birth—

(a) neither of his parents was a citizen of Sierra Leone and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Sierra Leone; or

(b) his father was an enemy alien and the birth occurred in a place then under occupation of the enemy.

(2) Every person of full age and capacity who is of negro African descent resident in Sierra Leone and has been continuously so resident for a period of not less than eight years shall, on application being made by him that he is qualified for naturalisation under the Second Schedule, be entitled to be granted a certificate of naturalisation unless the Minister sees reason to the contrary.

Conditions precedent to grant of certificate.

9. Notwithstanding anything in this Act contained, no person applying for citizenship under sections 7 and 8 shall be granted a certificate of naturalisation unless—

- (a) he is of full age and capacity; and
- (b) he has renounced, in a manner satisfactory to the Minister, any other citizenship which he possesses; and
- (c) he has taken an oath of allegiance to the Republic in accordance with the first Schedule; and
- (d) he has made and registered a declaration, satisfactory to the Minister, concerning residence and employment;

Provided that where a person cannot renounce the citizenship of the other country under the law of that country he may instead make a declaration concerning that other citizenship as will satisfy the Minister that the declarant intended to and had in fact properly renounced that citizenship.

PART IV—DUAL CITIZENSHIP

Dual citizenship.

10. No person shall have Sierra Leone citizenship and any other citizenship at one and the same time.

Loss of Sierra Leone citizenship by person of dual citizenship.

11. Any person who, upon attaining the age of twenty-one years, is a citizen of Sierra Leone and also a citizen of another country shall cease to be a citizen of Sierra Leone upon his attaining the age of twenty-two years, (or in the case of a person of unsound mind, at such later date as may be prescribed) unless he has complied with paragraphs (a), (b) and (c) of section 9.

PART V—COMMONWEALTH AND FOREIGN CITIZENSHIP

Commonwealth citizenship.

12. (1) Every person who is a citizen of Sierra Leone under this Act, shall, until he ceases so to be, have the status of a Commonwealth citizen.

(2) Every person who is a citizen of a Commonwealth country or of the Republic of Ireland by virtue of the Constitution or law of that country, shall have, in Sierra Leone, the status of a Commonwealth citizen if such Constitution or law confers the like status on citizens of Sierra Leone.

(3) The Commonwealth countries to which this section applies are—

Australia, Bangladesh, Barbados, Botswana, Canada, Cyprus, Fiji, Gambia, Ghana, Guyana, India, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand, Nigeria, Sierra Leone, Singapore, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Western Samoa, Zambia and such other countries as may be prescribed by the President.

13. Every person resident in Sierra Leone who is a citizen of a foreign country which, either by its Constitution or law, confers citizenship rights on citizens of Sierra Leone resident in such country, may on application, being made by him in the prescribed manner, have conferred on him the like citizenship rights as are conferred on Sierra Leone citizens resident in his country: Foreign citizenship and reciprocity.

Provided that the Minister shall have the power to refuse such application if in his opinion it would not be conducive to the public good to grant it.

PART VI—RENEWAL OF PREVIOUS CITIZENSHIP

14. (1) Every person who, before the date of coming into operation of this Act, was a citizen of Sierra Leone by naturalisation or registration may, on application being made by him in the prescribed manner within the period of three months after the coming into operation of this Act (or within such later period as the President may prescribe) have such citizenship conferred on him as is consistent with the provisions of this Act, unless the Minister sees reason to the contrary. Previous Citizenship

(2) Any person who fails or neglects to renew his citizenship as provided in subsection (1) shall be deemed to have renounced his Sierra Leone citizenship.

PART VII—RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

15. (1) Where any citizen of Sierra Leone who is of full age and capacity makes a declaration renouncing his citizenship of Sierra Leone, the Minister shall, if he is satisfied that the person is, or on ceasing to be a citizen of Sierra Leone, will become— Renunciation of citizenship.

(a) a citizen of a Commonwealth country, or of the Republic of Ireland; or

(b) a national of a foreign country, cause the declaration to be registered, and thereupon that person shall cease to be a citizen of Sierra Leone:

Provided that the Minister may withhold registration of such declaration if he is satisfied—

- (i) that the person is ordinarily resident in Sierra Leone; or
- (ii) that the person has acquired such rights or interests in Sierra Leone as the Minister considers to be inconsistent with an alien nationality; or
- (iii) that the registration would otherwise be contrary to the public good.

(2) For the purposes of this section, any woman who is or has been married shall be deemed to be of full age, and of full capacity if she is not of unsound mind.

Deprivation of citizenship of persons acquiring foreign citizenship.

16. The Minister may, by Order, deprive any person, who is a citizen by naturalisation, of his citizenship if he is satisfied that such person, being at the time of full age and capacity, has at any time while a citizen of Sierra Leone—

- (a) acquired the nationality or citizenship of a foreign country by any voluntary or formal act other than marriage; or
- (b) voluntarily claimed and exercised in a foreign country or in any other country where there is in force any law conferring rights not available to Sierra Leone citizens generally any right under the law of that country being a right available only to citizens of that country, and that it would not be conducive to the public good that he should continue to be a citizen of Sierra Leone.

Deprivation of citizenship of disloyal or convicted persons.

17. The Minister may, by Order, deprive any citizen of Sierra Leone who is a citizen by naturalisation of his citizenship if he is satisfied that such person—

- (a) has shown himself by act or speech to be disloyal to the Republic or its Government; or
- (b) has, during any war in which Sierra Leone is engaged, knowingly and unlawfully traded or dealt with the enemy or engaged in or associated with any business carried on in such manner as to assist the enemy in that war; or
- (c) has, within seven years of his becoming a citizen of Sierra Leone, been sentenced in any country to imprisonment for a term of not less than twelve months for an offence involving fraud or dishonesty.

Deprivation of citizenship of persons acquiring residence in foreign countries.

18. The Minister may, if he is satisfied that it would be for the public good to do so, by Order, deprive any person who is a citizen of Sierra Leone by naturalisation of his citizenship if that person has been ordinarily resident in a foreign or foreign countries for a continuous period of seven years and has not, during that period, registered annually in the prescribed manner at a Sierra Leone Consulate, or notified the Minister in writing of his intention to retain his Sierra Leone citizenship.

Cessation of citizenship.

19. Upon the Minister making an Order under the provisions of sections 16, 17 and 18, the person against whom the Order is made shall cease to be a citizen of Sierra Leone.

Saving of actions.

20. The renunciation by any person of his Sierra Leone citizenship or the deprivation of any person of his Sierra Leone citizenship shall not affect the liability of that person for any offence committed by him, or any action arising against him, before the renunciation or deprivation of his citizenship.

PART VIII—MISCELLANEOUS

Posthumous children.

21. Any reference in this Act to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed

as a reference to the national status of the father at the time of his death; and where that death occurred before the nineteenth day of April, 1971 and the birth occurred after the eighteenth day of April, 1971 the national status that the father would have had if he died on nineteenth April, 1971, shall be deemed to be his national status at the time of his death.

22. No person who has acquired citizenship of Sierra Leone by naturalisation shall be entitled to be elected to or sit as a member of Parliament.

Limitation on naturalised citizens.

23. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act, and the decision of the Minister on any such application or on any other matter under this Act shall not be challenged in any court.

Minister's decision to be final.

24. (1) The Minister may, in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Sierra Leone any doubt exists, certify that the person is a citizen of Sierra Leone.

Disposal of doubts as to citizenship.

(2) A certificate issued under subsection (1) shall unless it is proved that it was obtained by fraud, false representation or concealment of a material fact, be conclusive evidence that such person was a Sierra Leone citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

25. (1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register or record kept or maintained by the Minister, or any subscription to an oath of allegiance, given, granted or made under this Act shall be receivable in evidence and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

Documents receivable in evidence.

(2) A copy of such document, certified by such person and in such manner as may be prescribed, shall be *prima facie* evidence of that document.

(3) Any entry in a register or record made under this Act shall be received as evidence of the matters stated in the entry.

26. (1) Any person who, for the purpose of procuring the doing or the omission of anything under this Act, recklessly or knowingly makes any statement which is false in any material particular, shall be guilty of an offence and liable on conviction, to a fine of five hundred leones or to imprisonment for twelve months or to both such fine and imprisonment.

Offences.

(2) Any person who fails or refuses or neglects to comply with any requirement imposed on him by Regulations made under this Act with respect to the delivery of certificate of naturalisation shall be guilty of an offence and liable, on conviction, to a fine of five hundred leones or to imprisonment for twelve months or to both such fine and imprisonment.

Power to
make Regula-
tion.

27. The President may, by Regulations, make provisions generally for carrying into effect the provisions of this Act, and in particular—

- (a) for prescribing anything which is to be prescribed under this Act;
- (b) for the registration of anything required or authorised under this Act to be registered;
- (c) for the administration and taking of Oath of allegiance under this Act, for the time within which such Oath shall be taken and for its registration;
- (d) for the giving of any notice required or authorised to be given under this Act;
- (e) for the cancellation of the registration of, and the cancellation and amendment of certificate of naturalisation relating to persons deprived of, or who have renounced, citizenship under this Act, and for requiring such certificates to be delivered up for those purposes;
- (f) for the registration by officers in the service of the Government of Sierra Leone of the births and deaths of persons of any class or description born or dying elsewhere than in Sierra Leone;
- (g) for enabling the births and deaths of citizens of Sierra Leone born or dying in any country in which the Government of Sierra Leone has for the time being no diplomatic or consular representative to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Sierra Leone, has undertaken to represent the Government's interest in that country, or by a person authorised in that behalf by the President;
- (h) for the imposition and recovery of fees in respect of any application made to the Minister under this Act or in respect of any matter or action authorised by this Act, and for the application of such fees.

PART IX—REPEALS, SAVINGS AND AMENDMENTS

Repeal and
Savings.
Act 10 of
1962.

28. (1) The Sierra Leone Nationality and Citizenship Act, 1962, is hereby repealed.

(2) Subject to the provisions of this Act, any Regulation, Order, Rule or matter made, given or prescribed under the repealed Acts and in force immediately before the coming into operation of this Act shall continue to remain in force with such alterations and modifications as are necessary to bring it into conformity with the Constitution or this Act.

Amendment
of Certain
Acts.
No. 41 of
1965.

29. (1) Paragraph (a) of section 1 of the Non-Citizens—(Registration, Immigration and Expulsion) Act, 1965, is hereby amended by the deletion of the definition of the word "citizen" and replacing the same by the following new definition—

“ “citizen” means a person who is a citizen of Sierra Leone by virtue of the provisions of any Act relating to citizenship.”.

No. 9 of 1969. (2) Section 1 of the Non-Citizens (Trade and Business) Act, 1969, is hereby amended by the deletion of the definition of the word “citizen” and replacing the same by the following new definition—

“ “citizen” means a person who is a citizen of Sierra Leone by virtue of the provisions of any Act relating to citizenship.”.

No. 8 of 1971. (3) Subsection (1) of section 4 of the Interpretation Act, 1971, is hereby amended by the deletion of the definition of the word “native” and replacing the same by the following new definition—

“ “native” means a citizen of Sierra Leone who is a member of a race, tribe or community settled in Sierra Leone, other than a race, tribe or community which is of European or Asiatic or American or of mixed European and Asiatic American origin.”.

FIRST SCHEDULE

(Sections 7, 8 & 11)

OATH OF ALLEGIANCE

I.....do swear that I will be faithful and bear true allegiance to the Republic according to law, and that I will support and uphold the Constitution of Sierra Leone as by law established.
So help me God.

SECOND SCHEDULE

(Sections 7 & 8)

(1) Subject to the provisions of paragraph (2), the qualifications for naturalisation of an alien who applies therefor are—

- (a) that he has resided in Sierra Leone throughout the period of twelve months immediately preceding the date of his application; and
- (b) that during the seven years immediately preceding the said period of twelve months he has resided in Sierra Leone for periods amounting in the aggregate to not less than five years; and
- (c) that he has an adequate knowledge of a language in current use in Sierra Leone; and
- (d) that he is of good character; and
- (e) that he would be a good citizen of Sierra Leone; and
- (f) that he intends, if naturalised, to continue to reside permanently in Sierra Leone.

(2) The Minister, if he in the special circumstances of any particular case thinks fit, may, with the approval of the President—

- (a) allow a continuous period of twelve months ending not more than six months before the date of application to be reckoned for the purposes of sub-paragraph (a) of paragraph (1) as though it had immediately preceded that date;

- (b) allow residence in a country other than a foreign country to be reckoned for the purpose of subparagraph (b) of paragraph (1) as if it had been residence in Sierra Leone;
- (c) allow periods of residence earlier than eight years before the date of application to be reckoned in computing the aggregate mentioned in the said sub-paragraph (b).

Passed in Parliament this *11th* day of *April*, in the year of our Lord one thousand nine hundred and seventy-three.

J. W. E. DAVIES,
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. W. E. DAVIES,
Clerk of Parliament.