

DECREE

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*Amended by 13 B 1995
(Section 7)*

**N.P.R.C. Decree
No. 7**

1995



Sierra Leone

Short title.

The Political Parties Decree, 1995

Being a Decree to lift the ban on political activities; to empower the Interim National Electoral Commission to register political parties and for other connected purposes.

[19th June, 1995.]

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REPRODUCTION

PURSUANT to paragraph 3 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992", the National Provisional Ruling Council makes and issues the following Decree:—

PART I — PRELIMINARY

1. In this Decree, unless the context otherwise requires — Interpretation.

"Commission" means the Interim National Electoral Commission;

"Constitution" means the Constitution of Sierra Leone, Act No. 6 of 1991;

"district" means —

(a) the area of authority of a district council in a province; or

(b) of a rural district council or group of rural district councils in the Western Area;

"executive member", in relation to a political party, means the national chairman, the leader, the general secretary or equivalent designation, the national treasurer or any other member of the executive committee or other executive body or organ of that political party;

"founding member", in relation to a political party, means any person who has contributed or formally offered to contribute either in cash or in kind to the initial assets of that political party in respect of its first year of existence;

"non-citizen" means any person who is not a citizen of Sierra Leone;

"political party" means any association registered or required to be registered as a political party under section 4;

P. N. No. 20
of 1992

"Proclamation" means the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992";

"symbol" includes any mark, character or thing or any representation thereof adopted by a political party as representing any of its ideals.

PART II — RESTORATION OF POLITICAL ACTIVITY AND REGISTRATION OF POLITICAL PARTIES

Restoration of
right to politi-
cal activity.

2. (1) The prohibition which was imposed on political activity by subparagraph (2) (b) of paragraph 2 of the Proclamation is hereby lifted.

Act No. 6
of 1991

(2) Subject to the Constitution, political parties may be established to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and to sponsor candidates for presidential, parliamentary and local government elections.

Political par-
ties to be regis-
tered.

3. (1) No association, by whatever name called, shall function as a political party unless it is registered for the purpose by the Commission under this Decree.

(2) No political party shall organise or hold any public meeting unless it has been issued with a final certificate of registration by the Commission under this Decree.

Application
for registra-
tion.

4. (1) An application to register a political party shall be made to the Commission during the period of three days to be fixed by the Commission by notification in the *Gazette*, and the application shall be accompanied with the following: —

- (a) two copies of the constitution and rules, if any, of the political party duly signed by the interim national chairman or leader and by the interim national or general secretary of the political party, stating —

- Act No. 6 of 1991. (ii) briefly but clearly, the aims, objectives, purposes and programmes of the party, which shall not be inconsistent with the Constitution; and
- Act No. 6 of 1991. (iii) the internal organisation of the party which shall reflect the democratic principles enunciated in the Constitution;
- (b) the business address of the party in Freetown and the names of persons who are authorised to accept and issue process on behalf of the political party;
- (c) the address of the registered office in each of the provincial headquarters-towns and in the Western Area, which is owned or leased for at least five years by the political party;
- (d) an abbreviation of the name of the political party, if any, which may be used on ballot papers and a full description of the symbol, colour or motto of the political party;
- (e) such other particulars of the matters stated in paragraphs (a) to (d) as may be prescribed;
- (f) a non-refundable registration fee of Le500,000.00.

(2) The Commission shall, immediately upon receipt of the application, issue the political party with a provisional certificate of registration and shall cause a notice of the application to be published in the *Gazette* not later than seven days after receiving it.

(3) The *Gazette* notice referred to in subsection (2) shall invite objections from any person concerning the constitution, names, aims, objectives, rules, if any, symbol, colour or motto of the political party.

(4) The Commission may in addition to inviting objections to the application under subsection (3) cause independent enquiries to be made so as to ascertain the truth or correctness of the particulars submitted with the application for registration.

(5) On expiration of thirty days after the date of the publication of the *Gazette* notice, referred to in subsection (2), the Commission shall, if satisfied that all the provisions of this Decree with respect to registration have been complied with, register the political party.

(6) Where within the thirty-day period referred to in subsection (5), any objection has been brought to the notice of the Commission, it shall not register the political party until the objection has been disposed of to the satisfaction of the Commission.

(7) If the Commission upholds the objection or if enquiries made under subsection (4) disclose that any of the particulars submitted with the application for registration is false, the Commission shall refuse to register the political party and cancel the provisional certificate issued to that political party under subsection (2).

(8) The Commission shall, upon registering a political party, issue to that party a final certificate of registration which shall be evidence that the provisions of this Decree with respect to registration have been complied with.

Prohibition of certain names, symbols, etc.

5. No political party shall submit to the Commission for the purposes of registration under section 4 any symbol which, in the opinion of the Commission, is obscene, or a name, symbol, colour, or motto which is the same as the name, symbol, colour, or motto —

(a) of any other existing political party; or

(b) of the Republic; or

which so closely resembles the name, symbol, colour or motto of any other existing political party or of the Republic as to be likely to deceive the members of the public.

Qualification of executive and founding members of political parties.

6. (1) A political party shall not have as a founding member or as a leader of the party or a member of its executive body, whether national or otherwise, a person who —

Act No. 6 of 1991. (a) is not qualified to be elected as a member of Parliament under the Constitution; or

(b) is not qualified to hold public office.

(2) A political party shall not be registered under this Decree if it has on its national executive committee or other body members predominantly belonging to a particular religious faith, tribal or ethnic group or, as the case may be, hailing from a particular geographical area.

7. A person who is a chief or a member of any commission established by the Constitution, or member of the Armed Forces of the Republic, or a public officer, or an employee of a corporate body established by an Act of Parliament or out of funds appropriated by Parliament shall not —

- (a) be eligible to be a founding member of a political party; or
- (b) be eligible to hold office in a political party; or
- (c) speak in public or publish anything on matters of political party controversy; or
- (d) engage in canvassing in support of a political party or a candidate standing for public election;

Public officers not to be founding members or office-bearers in political parties.

Repealed x
Repealed to
13 of 1995

unless he has ceased to be a chief, such member, officer or employee, at least three months before becoming a founding member or holding the office in the political party or engaging in any of the activities to which paragraphs (c) and (d) refer.

8. No association, by whatever name called, shall be registered or be allowed to function as a political party if the Commission is satisfied that —

- (a) membership or leadership of the party —
 - (i) is restricted to members of any particular tribal or ethnic group or religious faith; or
 - (ii) includes a non-citizen or a person prohibited from membership or leadership of a political party under this Decree;

Powers of Commission generally to refuse registration.

- (b) the name, symbol, colour or motto of the party has exclusive or particular significance or connotation to members of any particular tribal or ethnic group or religious faith; or
- (c) the party is formed for the sole purpose of securing or advancing the interests and welfare of a particular tribal or ethnic group, community, geographical area or religious faith, or
- (d) the party does not have a registered office in each of the provincial headquarters-towns and the Western Area; or
- (e) the association concerned has contravened any provision of this Decree regarding its establishment or application for registration as a political party.

Appeal
against refusal
of registra-
tion.

9. (1) Any association aggrieved by a decision of the Commission refusing its application for registration may appeal to the Supreme Court made up of three justices whose decision shall be given within thirty days of the filing of the appeal.

(2) Any association may, instead of appealing directly to the Supreme Court under subsection (1), apply to the Commission to reconsider its decision not to register the association as a political party.

(3) If the Commission refuses the application made to it under subsection (2) or fails to register the association as a political party within seven days of that application, the association may then appeal to the Supreme Court and the provisions of subsection (1) shall apply, *mutatis mutandis*, in relation to that appeal.

PART III — MISCELLANEOUS PROVISIONS

Regulations.

10. (1) The National Provisional Ruling Council may, on the recommendation of the Commission, make regulations for any matter which is required to be prescribed under this Decree or is necessary or expedient to give effect to this Decree.

(2) Regulations made under subsection (1) may prescribe, for the contravention of any provision of the regulations, a fine not exceeding one million leones or a term of imprisonment not exceeding one year or both and may also prescribe in the case of continuing offence a fine not exceeding Le10,000.00 for each day on which the offence continues and in addition require the forfeiture of any item employed in the commission of the offence.

11. Section 34 of the Constitution is suspended. Suspension of section 34 of Constitution.
12. Subparagraph (2) (b) of paragraph 2 of the Proclamation is repealed. Repeal.

MADE and ISSUED this 19th day of June, 1995.

CAPTAIN VALENTINE E. M. STRASSER
Chairman,
National Provisional Ruling Council