

ACT

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dated 18th July, 1996

THE CONSTITUTION REINSTATEMENT
(CONSEQUENTIAL PROVISIONS) ACT, 1996.

ARRANGEMENT OF SECTIONS

Section
No.

1. Commencement.
2. Revival of Sections 32 and 33 of Act No. 6 of 1991.
3. Adaptation of references to Interim National Electoral Commission, etc.
4. Winding up of Commission under Decree No. 1 of 1994.
5. Validation of proportional representation systems of elections.
6. Decree No. 17 of 1995 deemed an Act of Parliament.
7. Revival of section 34 of Act No. 6 of 1991.
8. Revival of sections 167 and 169 of Act No. 6 of 1991.
9. Decrees to be subject to Constitution.
10. General adaptation of references in existing laws.
11. Particular references to N.P.R.C.
12. Reference to Government.

Commence-
ment

1. This Act shall be deemed to have come into operation on the 29th day of March, 1996.

Revival of
sections 32
and 33 of Act
No. 6 of 1991.
Decree No. 1
of 1994

2. Sections 32 and 33 of the Constitution of Sierra Leone, 1991 (hereinafter referred to as "the Constitution") which were suspended by section 15 of the Interim National Electoral Commission Decree, 1994, are hereby restored to full force and that Decree is hereby repealed.

INEC to
continue until
constitution of
Electoral
Commission,
etc. Decree
No. 1 of 1994.

3. Notwithstanding the repeal of the National Interim Electoral Commission Decree, 1994 by section 2—

(a) the Interim National Electoral Commission established by that Decree shall continue in being until—

- (i) the Electoral Commission established by section 32 of the Constitution has been constituted for the purposes of the functions specified in section 33 of the Constitution; and
- (ii) the Political Parties Registration Commission established by section 34 of the Constitution has been constituted for the purposes of the functions specified in subsection (4) of that section;

whichever is later; and

(b) any reference to the Interim National Electoral Commission in any enactment in force immediately before the constitution of the Electoral Commission referred to in subparagraph (i) of paragraph (a) or the constitution of the Political Parties Registration Commission referred to in subparagraph (ii) of

paragraph (a) shall be construed as a reference respectively to such Electoral Commission and Political Parties Registration Commission; and any reference to the Chairman and members of the Interim National Electoral Commission shall be construed accordingly.

4. (1) The person appointed Executive Secretary under section 9 of the Interim National Electoral Commission Decree, 1994 shall wind up the affairs of the Commission established under that Decree within such time as the President may in writing specify.

Winding up of Commission under Decree No. 1 of 1994.

(2) For the purposes of subsection (1), the Executive Secretary referred to in that subsection shall, subject to any direction which may be given by the person appointed Chairman of the Commission under section 3 of the Interim National Electoral Commission Decree, 1994, compile and submit to the President a report of the work of the Commission which shall include the latest register of voters prepared by the Commission and a copy of the report shall be laid before Parliament as if the report had been submitted by the Chief Electoral Commissioner under subsection (12) of section 32 of the Constitution.

Decree No. 1 of 1994.

5. (1) The provisions of Part II of the Electoral Provisions Decree, 1995 which established a proportional representation system of elections, shall be without prejudice to sections 38 and 39 of the Constitution and shall be deemed to have been enacted by Parliament pursuant to section 109 of the Constitution.

Validation of proportional representation system of elections. Decree No. 16 of 1995.

(2) In the event of any vacancy occurring in the membership of the Parliament elected under the proportional representation system of elections, such vacancy shall be filled by the Electoral Commission in the manner prescribed in section 11 of the Electoral Provisions Decree, 1995 with such modifications as may be necessary.

Decree No. 16 of 1995. Act No. 8 of 1971.

6. The Presidential Elections Decree, 1995 shall be deemed to be an Act of Parliament enacted pursuant to paragraph (b) of subsection (2) of section 42 of the Constitution and shall be construed as such with such modification and adaptation as may be necessary.

Decree No. 17 of 1995. deemed an Act of Parliament.

Revival of
section 34 of
Act No. 6 of
1991

7. (1) Section 34 of the Constitution which was suspended by section 11 of the Political Parties Decree, 1995 is hereby restored to force.

Decree No. 7
of 1995
Decree No. 14
of 1995.

(2) The Political Parties Decree, 1995 and the Political Parties (Regulation of Conduct) Decree, 1995 shall each be deemed to be an Act of Parliament enacted pursuant to subsection (6) of section 11 of the Constitution and shall be construed as such with such modifications and adaptation as may be necessary.

Revival of
sections 167
and 169 of
Act No. 6 of
1991.
Act No. 34
of 1961.

8. (1) Sections 167 and 169 of the Constitution which were suspended by section 5 of the Sierra Leone Military Forces (Amendment) Decree, 1995 are hereby restored to full force and effect accordingly. Part II of the Armed Forces of the Republic of Sierra Leone Act, 1961 is hereby repealed.

Decree No. 9
of 1995.

(2) Notwithstanding the repeal effected by subsection (1)

(a) the Forces Council of the Armed Forces of the Republic of Sierra Leone hereinafter referred to as "the Forces Council" constituted under section 7 of the Armed Forces of the Republic of Sierra Leone Act 1961, and in existence immediately before the coming into operation of this Act, shall continue in being until replaced by the Defence Council constituted under section 167 of the Constitution; and

(b) any regulations made by the Forces Council and in force immediately before the coming into operation of this Act shall continue in force until repealed and replaced under section 169 of the Constitution.

Decrees to be
subject to
Constitution.

9. Every Decree in existence immediately before the coming into operation of this Act shall be construed subject to the Constitution and with such modification and adaptation as are necessary to bring it into conformity with the Constitution; and Parliament may amend or repeal it as it may consider necessary or expedient.

10. Unless the context otherwise requires, any reference in any enactment in existence immediately before the coming into operation of this Act to— General adaptation of references in existing law.

- (a) the National Provisional Ruling Council, shall be construed as a reference to the President, Vice-President, Minister or Cabinet referred in the Constitution;
- (b) a Secretary of State, shall be construed as a reference to the Minister responsible for the appropriate subject or department of State;
- (c) a department of State, shall be construed as a reference to the appropriate Ministry;
- (d) the Chairman of the National Provisional Ruling Council, shall be construed as a reference to the President;
- (e) the Deputy Chairman of the National Provisional Ruling Council, shall be construed as a reference to the Vice-President;
- (f) the Secretary to the Chairman and Secretary to the Deputy Chairman of the National Provisional Ruling Council shall be construed respectively as a reference to the Secretary to the President and Secretary to the Vice-President; and
- (g) the Secretary to the Council of Secretaries shall be construed as a reference to the Secretary to the Cabinet.

11. Without prejudice to paragraph (a) of section 10, in any enactment in existence immediately before the coming into operation of this Act, a reference to the National Provisional Ruling Council shall be construed— Particular references to N.P.R.C.

- (a) where the reference was originally a reference to the President, as a reference to the President;
- (b) where the reference relates to a legislative function normally performed by Parliament, as a reference to Parliament;
- (c) where the reference relates to an executive function of that Council, as a reference to the President; and
- (d) where the reference relates to the making of any public notice or statutory instrument, as a reference to the President, Minister, body or other person as appropriate.

References to Government. 12. In any enactment in existence immediately before the coming into operation of this Act, any reference to Government shall be construed—

- (a) where the reference relates to a legislative function normally performed by Parliament, as a reference to Parliament, and
- (b) where the reference relates to a function of the executive authority of the State, as a reference to the President.

Passed in Parliament this 9th day of July, in the year of our Lord One thousand nine hundred and ninety-six.

J. A. CARPENTER,
Acting 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 true and correctly printed copy of the said Bill.

J. A. CARPENTER,
Acting Clerk of Parliament.