

ACTS
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THE STATE SALARIES, PENSIONS, GRATUITIES AND OTHER BENEFITS ACT, 2001

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SIGNED this 24th day of April, 2001.

ALHAJI AHMAD TEJAN KABBAH,
President.

No. 1



2001

The State Salaries, Pensions, Gratuities and Other Benefits Act, 2001

Short title. Being an Act to provide for the salaries, pensions, gratuities and other benefits of Members of Parliament and for the holders of certain high offices of State, and for other matters connected therewith.

Date of commencement. [29th March, 1996]

WHEREAS by section 74(4) of the Constitution--

“Members of Parliament shall be entitled to such salaries, allowances, gratuities and such other benefits as may be prescribed by parliament”;

AND WHEREAS the salaries, allowances, gratuities and other benefits of the persons referred to in the Schedule, are by the provisions of the Constitution respectively specified in respect of each of those persons, to be prescribed or, as the case may be, determined by Parliament;

AND WHEREAS it is desirable that additional provision be made in respect of the foregoing matters;

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

PART I - PRELIMINARY

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

Interpretation. 2. In this Act, unless the context otherwise requires--

“Committee” means the State Salaries Committee established by section 3;

“salary” includes allowances.

PART II - DETERMINATION OF CERTAIN SALARIES AND ALLOWANCES

State Salaries Committee. 3. (1) There is hereby established a committee to be known as the State Salaries Committee, which shall be responsible, subject to section 5, for assessing for determination by Parliament, the salaries of the Speaker, Deputy Speaker, Members of Parliament and of the other persons referred to in the Schedule whose salaries and other conditions of service are required to be prescribed or determined, as the case may be, by Parliament under the provisions of the Constitution set out in the Schedule.

(2) The Committee shall consist of the following members:--

- a) the Speaker of Parliament, who shall be chairman;
- b) the parliamentary leaders of all political parties in Parliament;
- c) one Paramount Chief Member of Parliament;
- d) one independent Member of Parliament, if any;

- e) the Minister responsible for finance or his representative, *ex-officio*; and
- f) the Minister responsible for labour and industrial relations or his representative, *ex-officio*.

(3) Every question before a meeting of the Committee shall be determined by a simple majority of the votes of the members present and where there is an equality of votes, the chairman or the person presiding shall have a second or casting vote.

(4) The Clerk of Parliament shall be Secretary to the Committee.

Criteria to guide Committee.

4. In assessing the salary and other conditions of service under section 3, the Committee shall have regard to--

- a) the state of the national economy and, in particular, the *per capita* gross domestic product;
- b) the ability of Government to pay such salaries and benefits as assessed;
- c) the views of the holders of the offices concerned to be submitted either individually or in a representative capacity, as appropriate;
- d) the privileges and other facilities accorded or to be accorded to the offices concerned; and
- e) any other relevant factor as may be determined by the Committee.

Reference of assessment to President.

5. Any assessment made by the Committee under section 3, shall be submitted to the President for his consideration and transmission thereafter to Parliament with his comments if any.

Determination of Parliament to be published.

6. (1) After receiving an assessment transmitted to it by the President, Parliament shall consider the assessment, having regard to the comments of the President thereon, if any, and the need for to be consensus - building for the purpose, before determining the salary and other conditions of service concerned.

(2) Subject to this Act, the salary and any other conditions of service determined by Parliament shall be prescribed by statutory instrument.

PART III - PENSION AND GRATUITY OF MEMBERS OF PARLIAMENT

Establishment of pension scheme.

7. There is hereby established a non-contributory pension scheme for the grant of pensions to persons who have ceased to be Members of Parliament.

Qualifying period of service and annual rate of pension.

8. (1) Any person who, before ceasing to be a Member of Parliament, has served as such Member or as the Speaker or Deputy Speaker for a qualifying period of five years or more, is entitled to a monthly pension computed on the basis of an annual pension rate determined by a resolution of Parliament and prescribed by statutory instrument.

(2) For the purposes of this section, a person ceases to be a Member of Parliament--

- a) in the case of such Member as defined in subsection (1) of section 74 of the Constitution, if he vacates his seat under subsection (1) of section 77 of the Constitution; and
- b) in the case of the Speaker or Deputy Speaker, if—
 - i. he resigns or retires from Parliament; or
 - ii. he vacates his office under subsection (4) of section 79 of the Constitution or, as the case may be, under subsection (4) of section 80 of the Constitution.

Computation to exclude certain periods.

9. The qualifying period of service referred to in subsection (1) of section 8 shall not include any period when--

- a) in the case of the Deputy Speaker or a Member of Parliament as defined in subsection (1) of section 74 of the Constitution, the person concerned is not qualified for election as a Member of Parliament under section 76 of the Constitution; and
- b) in the case of the speaker, he is required to vacate his office under subsection (4) of section 79 of the

Constitution.

Effect of re-election and receipt of pension under other law.

10. (1) Where any person who is in receipt of a pension paid under this Act is re-elected to Parliament or is elected Speaker or Deputy Speaker, he may elect to receive his pension in lieu of salary as from the date of his re-election as a Member of Parliament or election as Speaker or Deputy Speaker, as the case may be.

(2) The entitlement to pension under this Act shall not be affected by the receipt of pension under any other law.

Pension payable for life.

11. The pension payable under this Act shall continue for the life of the person to whom it is granted.

Life certificate to be furnished.

12. Payment of pension under this Act shall not be made unless there is furnished to the Accountant-General a certificate that the person entitled thereto is alive at the time of payment.

Gratuity.

13. In addition to any pension paid or payable under this Act, there shall be paid to any person ceasing to be a Member of Parliament a gratuity equal to 17 percent of the cumulative total of all his salaries and allowances during the period served as Member of Parliament.

Gratuity for less than five years' service.

14. Where a Member of Parliament has served as such Member, or as the Speaker or Deputy Speaker for a period of less than five years, there shall be paid to him a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been paid to him under this Act, together with the gratuity that might have been paid to him if there had been no qualifying period.

Gratuity on death of Member of Parliament.

15. Where a person ceases to be a Member of Parliament by death, the gratuity which would have been paid to him if he had ceased to be such Member otherwise than by death shall be paid--

- a) to any widow or widower, as the case may be, child, relative or dependant of the deceased Member of Parliament; and
- b) in such proportion and in such manner, as the Speaker may determine, acting on the advice of the appropriate Standing Committee of Parliament.

Pension and gratuity, not to be assigned or attached.

16. No pension or gratuity granted under this Act shall be assignable or transferable or liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatsoever other than a debt due to Government.

PART IV - ADMINISTRATION

Administration of pension scheme.

17. Subject the direction of the Speaker, the Clerk of Parliament shall be responsible for the management of the scheme and all payments of pension and gratuity shall be authorised by him.

Payments charged upon Consolidated Fund.

18. All salaries, allowances, pensions, gratuities and other benefits payable to Members of Parliament and the persons referred to in the Schedule under this Act shall be a charge upon the Consolidated Fund.

Rules.

19. The Speaker may , after consultation with the other Members of Parliament, by statutory instrument, make rules for the management or administration of the scheme.

Repeal of Act No. 1 of 1980 and saving.

20. (1) The Parliamentary Pensions Act, 1980 is repealed.

(2) Notwithstanding the repeal effected by subsection (1), any rule under the repealed Act and in force immediately before the repeal, shall continue in force and any pension due under the Act so repealed shall continue to be payable.

SCHEDULE *(Section 3(1))*

OFFICES WHOSE SALARIES, ALLOWANCES AND OTHER CONDITIONS
ARE TO BE PRESCRIBED OR DETERMINED BY PARLIAMENT

1. The President, section 48 of Constitution.
2. The Vice-President, Ministers and Deputy Ministers, proviso to section 56(3) of Constitution.
3. Judges of the Superior Court of Judicature, section 138(2) of Constitution.
4. The Chairman and Members of Electoral Commission, section 32(5) of Constitution.

PASSED in Parliament this 27th day of March, in the year of our Lord two thousand and one.

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.