

SIGNED this 11th day of November, 1985.

SIAKA STEVENS
President

No. 8

1985

Sierra Leone

The Constitution (Amendment) (No. 3) Act, 1985

Short title.

Being an Act to amend the Constitution of Sierra Leone, 1978
(Act No. 12 of 1978)

[14th November 1985]

Date of commencement.

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

1. The Constitution of Sierra Leone 1978 (Act No. 12 of 1978) is hereby amended by the substitution for subsection (6) of section 23 thereof of the following new subsection-

Section
23(6) of
Constitution
replaced.

"(6) A person elected to the office of President under this section shall assume that office on the day upon which he is declared elected, or upon the date his predecessor ceases to hold office as President by that office becoming vacant in any manner described in section 28 of this Constitution, whichever is the later."

2. The said section 23 of the Constitution is hereby further amended by the substitution for the proviso to subsection (7) thereof of the following new proviso-

Section
23(7) of
Constitution
amended.

"Provided that-

- (i) where any proceedings have been lawfully commenced or taken for the purposes of the election and assumption of office of a President in accordance with paragraph (a) of this subsection, it shall not be necessary for the said proceedings to be recommenced or retaken whether or not a President has thereby been duly elected, by reason only that a vacancy has occurred in the office of President otherwise than by effluxion of time; and the said proceedings shall, subject to the provisions of this Constitution, be continued and

completed in accordance with this Constitution and law for the time being in force relating thereto, with such modifications as may be necessary; and

(ii) where the office of President becomes vacant during a period when Parliament is dissolved, the Presidential Election shall be held and completed before the election of Members of Parliament."

3. (1) For section 28 of the said Constitution there is hereby substituted the following new section-

Section
28 of
Constitution
replace, etc.

"Vacancy in 28. (1) The Office of President shall become office of vacant-President.

(a) on the expiration of the period prescribed in subsection (1) of section 25 of this Constitution; or

(b) where the incumbent dies or resigns or retires from the office, or

(c) where the incumbent ceases to hold that office in pursuance of section 30 or 31 of this Constitution:

Provided that the President shall not resign or retire from this office even at the due expiration of his term of office while a general election of Members of Parliament is pending within the ensuing six months, or where a state of public emergency has been declared.

(2) Any resignation or retirement by a person from the office of President shall be in writing addressed to the Chief Justice and copy thereof shall be sent to the Speaker."

(2) For the word "resigns" appearing in subsection (4) of section 21 and in subsection (1) of section 25 of the Constitution there is hereby substituted the words "resigns or retires".

4. Section 38 of the Constitution is hereby repealed.

Section
38 of
Constitution
repealed.

5. The said Constitution is hereby further amended by the substitution for subsections(4) and (5) of section 39 thereof of the following new subsections-

Section
39 of
Constitution
amended.

"(4) Where for the purposes of an election more than one candidate is nominated but at the close of nomination on the nomination day preceding the election, only one candidate stands nominated, a further period of seven days shall be allowed for the determination of nomination; and it shall not be lawful for any such person so nominated to withdraw his nomination within the said period of seven days.

(5) Where-

(a) after the expiration of the period of forty-eight hours referred to in subsection (4) of this section, there is not pending nomination appeal and only one candidate stands nominated, or

(b) at the end of the determination of nomination appeals under subsection (4) of this section, only one candidate stands nominated.

then there shall be no election and that candidate shall be declared elected."

Passed in Parliament this 31st day of October in the year of our Lord one thousand nine hundred and eighty-five.

**R.C.O. GILPIN-JACKSON, J. P.
Clerk of Parliament**