

ACT

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THE STATE SALARIES, PENSIONS, GRATUITIES AND OTHER BENEFITS ACT, 2003

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SIGNED this 20th day of June, 2003.

ALHAJI AHMAD TEJAN KABBAH,
President.

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No. 4



2003

Sierra Leone

The State Salaries, Pensions, Gratuities and other Benefits Act, 2003 Short title.

Being an Act to provide for the salaries, pensions, gratuities and other benefits of the President, Vice President, Members of Parliament, Ministers, Deputy Ministers, Judges, Chairman and members of the Electoral Commission; and for other matters connected therewith.

ENACTED by the President and Members of Parliament in this present Parliament assembled. [] Date of commencement.

PART I—PRELIMINARY

- Interpretation. **1.** In this Act, unless the context otherwise requires—
- “Committee” means the State Salaries Committee continued in existence by section 2;
- “Judge” means a Judge of the Superior Court;
- “maximum pension” means pension equivalent to the last drawn salary of the Judge concerned, as a Judge;
- “previous Act” means the State Salaries, Pensions, Gratuities and other Benefits Act, 2001;
- “salary” includes allowances;
- “widow” includes a widower.

PART II—DETERMINATION OF CERTAIN SALARIES AND ALLOWANCES

State Salaries Committee. **2.** (1) The Committee known as the State Salaries Committee established by section 3 of the previous Act is hereby continued in existence and shall continue to be responsible, subject to section 4, for assessing for determination by Parliament the salaries, pensions, gratuities and other conditions of service of the President, Vice-President, Speaker, Deputy Speaker, Members of Parliament, Ministers, Deputy Ministers, Judges, the Chairman and members of the Electoral Commission.

(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;
- (f) the Minister responsible for labour and industrial relations or his representative.

(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.

(5) Subject to this Act, the Committee shall regulate the procedure for its meetings.

3. In assessing the salary and other conditions of service under section 2, the Committee shall have regard to— Criteria to guide Committee.

- (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.

4. Any assessment made by the Committee under this Act shall be submitted to the President for his consideration and transmission thereafter to Parliament with his comment, if any.

Determination
of Parliament
to be pub-
lished.

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

(2) Subject to this Act, the salaries and any other conditions of service determined by Parliament shall be as published by statutory instrument made by Parliament .

PART III—PENSION AND GRATUITY OF MEMBERS OF PARLIAMENT

Establishment
of pension
scheme.

6. There is hereby continued in existence the pension scheme established by section 7 of the previous Act for the grant of pension to persons who have ceased to be Members of Parliament.

Qualifying
period of
service and
annual rate of
pension.

7. (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.

8. The qualifying period of service referred to in subsection (1) of section 7 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 .

Computation
to exclude
certain
periods.

9. 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.

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

10. 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.

11. 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 gratuity that might have been paid to him if there had been no qualifying period.

Gratuity for
less than five
years' service.

Gratuity on death of Member of Parliament.

12. 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, dependent child or relative 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.

PART IV—COMMITTEE'S RESPONSIBILITY FOR CERTAIN
OTHER OFFICES

Committee to assess conditions of service of certain other office-holders.

13. (1) Notwithstanding the generality of section 2, the Committee is hereby assigned the responsibility to assess for determination by Parliament, subject to sections 4 and 5, the salaries, gratuities and other conditions of service of the following office-holders—

- (a) the President, pursuant to section 48 of the Constitution;
- (b) the Vice-President, Ministers and Deputy Ministers, pursuant to the proviso to subsection (3) of section 56 of the Constitution;
- (c) Judges, pursuant to section 138 of the Constitution; and
- (d) the Chairman and members of the Electoral Commission, pursuant to subsection (5) of section 32 of the Constitution.

Act No. 12 of 1983.

(2) The Judges' Conditions of Service Act, 1983 shall, with such modification as may be recommended by the Committee, apply to the salaries, pensions, gratuities and other conditions of service of Judges as if prescribed by Parliament under this Act:

Provided that the Committee shall not recommend any modification that will alter or vary the salaries, pensions, gratuities and other conditions of service to the disadvantage of a Judge.

14. (1) For the purpose of computing pension for the office-holders referred to in section 13, the period of service for each of them to qualify for pension shall be as follows:—

Qualifying period for pension and gratuity.

- (a) in the case of the President and Vice-President, twelve months;
- (b) in the case of Judges, fifteen years for maximum pension; and
- (c) in the case of the other office-holders, a continuous period of five years.

(2) Every office-holder referred to in this Part, except the President, the Vice-President and a Judge shall, on retiring or ceasing to hold office, in addition to any pension payable to him under this Act, be paid a gratuity equivalent to 17 percent of the cumulative total of all his salaries during the period he served in that office.

(3) Every person who has been a Judge for a period or not less than five years may, on his retirement, be granted a pension and gratuity under this Act appropriate to his case.

15. The Pensions, Gratuities and Other Retirement Benefits of Presidents and Vice-Presidents Act, 1986 shall, with such modification as may be recommended by the Committee, apply to the pension and gratuity of the President and Vice-President as if prescribed by Parliament under this Act:

Applicability of Act No. 1 of 1986 to pensions etc., of President and Vice President.

Provided that the Committee shall not recommend any modification that will alter or vary the pension and gratuity payable to the President or Vice-President to his disadvantage.

16. Sections 11 and 12 shall, with the necessary modifications apply to the payment of gratuity in respect of the office-holders referred to in this Part except the President and the Vice-President.

Gratuity in certain other cases.

Payment of gratuity on death.

17. Subject to this Act, where an office-holder referred to in this Part, except the President and Vice-President, dies before receiving a gratuity, it shall be paid to his widow, dependent child or relative, if any, in such proportion as the Minister of Finance may, on the recommendation of the Committee determine.

PART V—MISCELLANEOUS

Administration of pension scheme.

18. (1) Subject to the direction of the Speaker, the Clerk of Parliament shall be responsible for the management of the pensions scheme referred to in section 6 and all payments under that section shall be authorized by him.

(2) Payment of pension and gratuity under this Act in respect of the President, Vice-President, Ministers, Deputy Ministers, Judges, the Chairman and members of the Electoral Commission, shall be authorized by the Minister of Finance.

Pension to be non-contributory.

19. Pension payable under this Act shall be non-contributory.

Payments to be charged on Consolidated Fund.

20. Pursuant to the Constitution, all salaries, pensions, gratuities and other benefits payable under this Act shall be a charge on the Consolidated Fund.

Pension payable for life.

21. (1) Subject to this Act, pension payable under this Act shall continue for the life of the person to whom it is granted.

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

Payment of pension to widow, etc.

22. Where a person other than the President or Vice-President or a Judge qualifies under this Act to receive a pension but dies before receiving it, there shall be paid to his widow, dependent child or relative an amount not exceeding five times the annual amount of the pension which would have been paid to the deceased person had he not died.

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

24. 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 the Government. Pension and gratuity not assignable or attachable.

25. Any gratuity paid under sections 12 and 17 shall not be subject to estate duty. Gratuity not liable to estate duty.

26. Parliament may, by statutory instrument, make rules or regulations for giving effect to this Act. Regulations.

27. The State Salaries, Pensions, Gratuities and Other Benefits Act, 2001 is repealed. Repeal. Act No. 1 of 2001.

Passed in Parliament this *22nd* day of *May*, in the year of our Lord two thousand and three.

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 correct printed copy of the said Bill.

J. A. CARPENTER,
Clerk of Parliament.