

# ACT

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## THE POLITICAL PARTIES ACT, 2002

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#### SCHEDULE

(2) The Chairman and the other members of the Commission shall be appointed on such terms and conditions as Parliament may approve.

(3) Subject to this section, the Chairman and other members of the Commission shall hold office for five years and shall be eligible for re-appointment.

(4) The Chairman or a member of the Commission may resign his office by written notice addressed to the President and may be removed from office by the President but only for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misconduct.

(5) The statement of misconduct referred to in subsection (4) shall be addressed to a tribunal appointed by the President, adapting for that purpose, the provisions of paragraphs (a) and (b) of subsection (5) of section 137 of the Constitution: and subsections (6) and (7) of that section shall apply, with the necessary modifications, to the removal of a member of the Commission.

(6) On the death or vacation of office of the Chairman or any of the other members referred to in subsection (1), whether such vacation is by termination or otherwise, the President may appoint in like manner another person to serve for the unexpired term of the Chairman or other member, as the case may be.

(7) A member of the Commission shall, before assuming the functions of his office, take and subscribe before the President the oath set out in the Schedule.

Independence of Commission 3. Except as otherwise provided in the Constitution and this Act, in the performance of its functions, the Commission shall not be subject to the direction or control of any person or authority.

Remuneration and allowances of members 4. The Chairman and other members of the commission shall be paid such remuneration and allowances as Parliament may approve but any such payment shall not be altered in the detriment of the Chairman or any other member.

Proceeding of Commission 5. (i) The Commission shall meet for the dispatch of its business at such time and place as it may determine.

SIGNED this 18th day of February, 2002.

ALHAJI AHMAD TEJAN KABBAH  
*President.*

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No. 3



Sierra Leone

2002

**The Political Parties Act, 2002.**

Short title

**Being an Act to establish the Political Parties Registration Commission for the registration and regulation of the conduct of Political Parties in accordance with section 34 and 35 of the Constitution and to provide for related matters.**

[ 21st February, 2002 ] Date of Commencement

ENACTED by the President and Members of Parliament in this present Parliament assembled.

(2) The Chairman shall preside at meetings of the Commission at which he is present and in his absence, a member elected by the members present from among their number, shall preside.

(3) All acts, matters or things authorised or required to be done by the Commission shall be decided at a meeting where a quorum is present and the decision is supported by the votes of a majority of the members.

(4) The quorum for a meeting of the Commission shall be three.

(5) Any proposal circulated among all members and agreed to in writing by a majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Commission and shall be incorporated in the minutes of the next succeeding meeting of the Commission:

Provided that, if a member requires that such proposal be placed before a meeting of the Commission subsection (5) shall not apply to such proposal.

(6) Subject to this Act, the Commission shall regulate the procedure at its meetings.

Functions of  
Commission.

**6.** (1) The object for which the Commission is established is the registration and supervision of the conduct of political parties in accordance with the Constitution and this Act.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Commission—

- (a) to monitor the affairs or conduct of political parties so as to ensure their compliance with the Constitution, this Act and with the terms and conditions of their registration;
- (b) to monitor the accountability of political parties to their membership and to the electorate of Sierra Leone;

(c) to promote political pluralism and the spirit of constitutionalism among political parties;

(d) when approached by the persons or parties concerned, to mediate any conflict or disputes between or among the leadership of any political party or between or among political parties; and

(e) to do all such things as will contribute to the attainment of the object stated in subsection (1).

**7.** (1) As Secretary to the Commission, the Administrator and Registrar-General shall be responsible to the Commission for— Registrar of  
Political  
Parties.

(a) the safe custody of all documents, records and other things which political parties are by law required to submit to the Commission and

(b) such other matters or responsibilities as the Commission shall determine.

(2) The Commission shall have a Registrar of Political Parties and such other staff as may be required for the efficient discharge of the functions of the Commission.

(3) The Registrar and the other staff of the Commission shall be appointed by the Commission on such terms and conditions as the Commission shall determine.

(4) Public officers may be seconded or otherwise render assistance to the Commission.

(5) The Registrar shall be responsible to the Commission for—

(a) the receiving and processing of applications for the registration of political parties for the consideration and decision of the Commission;

- (b) the verification of particulars of political parties submitted either with an application for registration or periodically or with the declaration of assets under this Act;
- (c) the day-to-day administration of the affairs of the Commission;
- (d) the recording and keeping of minutes of meetings of the Commission in a book kept for that purpose;
- (e) the supervision and discipline of the staff of the Commission, and
- (f) performing such other duties as the Commission may determine.

Expenses  
accounts and  
audit of  
Commission

**8.** (1) The administrative and other expenses of the Commission, including the salaries, allowances, gratuities and pensions of the members and staff of the Commission shall be a charge on the Consolidated Fund.

(2) The Commission shall keep proper books of account and other records in relation to any moneys appropriated for the purposes of the Commission by Parliament and such accounts shall be in a form approved by the Auditor-General and shall be audited annually by the Auditor-General or an auditor appointed by him.

Members of  
Commission  
not to belong  
to political  
parties

**9.** The Chairman or other member of the Commission shall not belong to any political party and shall cease to hold office when he becomes a member of any political party.

Obstruction  
of  
Commission.

**10.** Any person who willfully obstructs or otherwise interferes with the Commission or its members or officers in the discharge of the functions of the Commission under this Act, commits an offence and shall be liable on conviction to a fine not exceeding Le500,000.00 or to a term of imprisonment not exceeding one year or, to both such fine and imprisonment.

### PART III—REGISTRATION OF POLITICAL PARTIES

**11.** (1) Where any association of persons formed 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 wishes to function as a political party it shall apply to the Commission to be registered as a political party.

Obligation to  
register  
political  
party.

(2) An application to be registered as a political party shall be accompanied with the following:—

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

- (i) the name of the proposed political party; and

- (ii) briefly but clearly, the aims, objectives, purposes and programmes of the association, 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 including provision for the free and fair election of the leadership of the proposed party at regular intervals;

Act No. 6 of  
1991.

- (b) the business address of the proposed political party in Freetown and the names of persons who are authorised to accept and issue process on behalf of the proposed 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 association for the purposes of the proposed political party;

- (d) an abbreviation of the name of the proposed political party, if any, which may be used on ballot papers and a full description of its symbol, colour or motto;
- (e) such other particulars of the matters stated in paragraphs (a) to (d) as may be prescribed;
- (f) a non-refundable registration fee of Le2,500,000.00.

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

(4) The Government Notice referred to in subsection (3) shall invite objections from any person concerning the constitution, name, aims, objectives, rules, if any, symbol, colour or motto of the association.

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

Registration of Political Parties.

**12.** (1) Subject to subsections (2) and (3), on the expiration of sixty days after the date of the publication of the Government Notice referred to in subsection (3) of section 11, the Commission shall, if satisfied that all the provisions of the Constitution and this Act with respect to registration have been complied with, register the association as a political party.

(2) Where within the sixty-days period referred to in subsection (1), any objection has been brought to the notice of the Commission, it shall not register the association until the objection has been disposed of to the satisfaction of the Commission.

(3) If-

- (a) the Commission upholds the objection referred to in subsection (2); or

- (b) enquiries made under subsection (5) of section 11 disclose that any of the particulars submitted with the application for registration is false or incorrect,

the Commission shall refuse to register the association and shall cancel the provisional certificate issued to the association under subsection (3) of section 11.

(4) The Commission shall, upon registering an association as a political party, issue to that association a final certificate of registration which shall be evidence that the provisions of the Constitution and this Act with respect to registration have been complied with.

(5) No political party shall organise or hold any public meeting unless it has been issued with the final certificate of registration by the Commission under subsection (4).

**13.** No association shall submit to the Commission for the purposes of an application under section 11 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, colour or motto—

Prohibition of certain names, symbols, etc.

- (a) of any existing political party; or
- (b) of the Republic; or

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

**14.** (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 is not qualified to be elected as members of Parliament under the Constitution.

Qualification of executive or founding members of Political Party Act No 6 of 1991.

(2) An association shall not be registered as a political party under this Act 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.

Prohibition of public officers.

15. A person who is a public officer appointed by the Public Service Commission or Judicial and Legal Service Commission or who is a member of the Sierra Leone Police Force or the Armed Forces; of the Republic of Sierra Leone shall not –

- (a) be eligible–
  - (i) to be a founding member of a political party; or
  - (ii) to hold office in a political party; or
  - (iii) to seek election as President of the Republic or to Parliament, or
- (b)
  - (i) speak in public or publish anything on matters of political party controversy; or
  - (ii) engage in canvassing in support of political party or a candidate standing for public election;

unless, he has ceased to be such officer or member, at least twelve months before seeking to become a founding member or to hold the office in the political party or engaging in any of the activities to which subparagraphs (i) and (ii) of paragraph (b) refer.

Powers of Commission to refuse registration.

16. Pursuant to subsection (5) of section 35 of the Constitution, the commission shall refuse to register as a political party any association by whatever name called if the Commission is satisfied that–

- (a) the membership or leadership of the association–
  - (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 the Constitution or this Act;

- (b) the name, symbol, colour or motto of the association has exclusive or particular significance or connotation to members of any particular tribal or ethnic group or religious faith; or
- (c) the association 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 association does not have a registered office in each of the provincial headquarter towns and the Western Area; or
- (e) the association concerned has contravened any provision of the Constitution or this Act regarding its formation or application for registration as a political party.

17. (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 hearing of the appeal. Appeal against refusal of registration.

(2) An 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 subsection (1) shall apply, *mutatis, mutandis*.

18. (1) Any number of political parties may, by written agreement, come together to form a single association or a merger Mergers, splinters and other reconstitutions of political parties.

(2) Where under the agreement referred to in subsection (1)

- (a) a new association comes into being, such association shall seek fresh registration and the provisions of Part III shall, *mutatis mutandis*, apply thereto;
- (b) the single association retains or is to retain substantially the name, colour, motto and other symbols of identification of one of the constituent political parties, that association shall continue in existence as a political party by the name, colour, motto and other symbols or identification before the merger, and the political parties or party absorbed in the merger shall cease to exist; and
- (c) a coalition is formed or intended, the political parties involved shall continue to exist in their individual capacities.

(3) Unless otherwise provided in the agreement referred to in subsection (1), the property, assets, rights and liabilities of a political party which ceases to exist after a merger shall vest in the political party which is in existence after the merger.

(4) Where any group of members of a political party breaks away from that political party to form a new association, such new association shall seek fresh registration to function as a political party.

**PART IV-CONDUCT OF POLITICAL PARTIES**

Funding of political parties.

**19.** (1) The source of funds of a political party shall be limited to contributions or donations, whether in cash or in kind, of persons who are entitled to be registered as voters in Sierra Leone.

(2) Regulations made by the Commission may provide for limits on the amount of contribution or donation to a political party and the disclosure of information that may limit the influence of money in the political process.

**20.** (1) Every political party shall within such time after the issue to it of a final certificate of registration under section 12 as the Commission may direct in writing submit to the Commission a written declaration giving details of all its assets and expenditure, including all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the party by its founding members in respect of the first year of its existence.

Declaration of assets accounts and audit of political parties.

(2) A declaration submitted to the Commission under subsection (1) shall state the sources of all funds and other assets of the political party and the particulars of the person or firm appointed by the political party as its auditor.

(3) An auditor for the purposes of subsection (2) shall be-

- (a) in the case of an individual, a member of the Chartered Institute of Accountants of Sierra Leone, not being a member of the political party; or
- (b) in the case of a company or firm, under the supervision of a member of the Institute referred to in paragraph (a).

(4) There shall be submitted by every political party to the Commission within three months after the end of every-year a declaration of its income, assets and liabilities together with its audited accounts.

(5) The declaration made under subsection (1) and subsection (4) shall be supported by the national treasurer and the national or general secretary of the political party.

(6) The Commission shall, within thirty days after receipt of the declaration required by subsection (1) or subsection (4), publish it by Government Notice.

**21.** (1) Every political party shall within twenty-one days after the notification of the holding of a public election which it intends to contest, submit to the Commission a statement in such form as the Commission may prescribe, of its assets and liabilities.

Declaration of assets etc in relation to election.

(2) Every political party shall within sixty days after the declaration of the results of a public election in which it has participated submit to the Commission a detailed statement, in such form as the Commission may prescribe, of all expenditure incurred either by the party or a candidate put up or supported by that political party specifying the manner in which the expenditure was incurred.

(3) A statement required to be submitted under this section shall be supported by a statutory declaration made by the general or national secretary of the political party and the national treasurer of that party.

(4) Subsections (2) and (3) shall, with the necessary modifications, apply to any person standing as an independent candidate in a public election .

Particulars of national and provincial office and officers.

22. (1). Within sixty days after the first parliamentary election held after the issue to it of a final certificate of registration, and thereafter, as and when reasonably required by the Commission, a political party shall furnish the Commission with the following—

- (a) evidence, satisfactory to the Commission, of the existence and location of its national and provincial offices; and
- (b) the list of all officers, both national and provincial, of the political party.

(2) Without prejudice to the generality of subsection (1) the political party shall, with regard to the existence and location of its national and provincial offices, indicate clearly the location of the office premises by naming the street, road or avenue and area where the relevant office is situated, the nature of ownership, whether leasehold or freehold or otherwise, and also the names and addresses and nationalities of the owners concerned.

Party membership fees or dues paid during first year.

23. The payment by any person of any fee or dues required for the membership of a political party shall not, of itself, make such person a founding member, notwithstanding that it is made during the first year of the party's existence.

Notification of alteration of particulars of political party

24. (1) Where a political party registered under section 12 intends to alter—

- (a) its constitution;

- (b) its rules or regulations, if any;
- (c) the name or address of any of its founding members;
- (d) the title, name or address of any office holder submitted to the Commission under subsection (2) of section 11;
- (e) its name, symbol, colour, or motto,

it shall notify the Commission of its intention and the Commission shall, within fourteen days after the receipt of the notification, cause to be published by Government Notice the intended alteration, and invite objections, if any, to anything contained in the intended alteration.

(2) Every alteration shall come into effect—

- (a) if no objection is made to the alteration, one month after the publication by the Commission of the Government Notice referred to in subsection (1); and
- (b) in any other case, at such time as the Commission may determine.

25. (1) Every political party shall maintain at its head or national office an accurate and permanent record of the following—

Records to be maintained at party offices.

- (a) a list of its membership, including the founding members and executive members thereof;
- (b) any contribution whether in cash or in kind, made by the founding members of the political party;
- (c) a statement of its accounts, showing the sources of its funds and the name of any person who has contributed to the funds, membership dues paid, donations in cash or in kind and all the financial transactions of the political party which are conducted through, by or with the head or national office of the party.



- (d) any property that belongs to the political party and the time and mode of acquisition of the property; and
- (e) such other particulars as the Commission may reasonably require with respect to the matters referred to in paragraphs (a) to (d).

(2) Every political party shall maintain at each of its provincial offices an accurate and permanent record in relation to the requirements under subsection (1) of the matters relating to the province.

(3) The accounts of every political party shall be audited following standard audit procedure not later than three months after the end of each year by an auditor referred to in subsection (3) of section 20 and a copy of the audited accounts shall be filed by the political party with the Commission within the period of three months referred to in this subsection.

(4) Every member of a political party and also, every member of the public, shall be entitled, upon payment of a fee prescribed by the Commission, to inspect at the offices of the Commission or to be given copies of the audited accounts of a political party filed with the Commission under this section.

(5) Where the Commission feels dissatisfied with the audited accounts of a political party, it shall notify the Auditor-General who will take all necessary steps to resolve the dissatisfaction and shall inform the Commission accordingly.

Duty to provide information required by Commission.

**26.** (1) The Commission may in writing request any political party or an officer of that political party to furnish for inspection by the Commission records required to be maintained under section 25 or such other information as is reasonably required by the Commission to enable it to ensure that the provisions of this Act are complied with.

(2) Every political party and every officer thereof shall comply with a request made to it or to him by the Commission under subsection (1).

(3) The Commission may make copies of or take extracts from records or other information furnished to it under this section.

#### PART V—MISCELLANEOUS PROVISIONS

**27.** (1) Without prejudice to any other penalty prescribed by this Act or any other enactment, the Commission may apply to the Supreme Court for an order to cancel the registration of any political party where that party—

Commission's power to cancel registration.

- (a) is by virtue of subsection (5) of section 35 of the Constitution or section 16 not to be allowed to operate or continue to operate or function as a political party;
- (b) has contravened any provision of the Constitution or this Act or;
- (c) submits any statement to the Commission, including any declaration made under section 20 or 21, which is false in any material particular.

(2) The Supreme Court shall give its decision on an application under subsection (1) within thirty days of the filing of the application by the Commission.

(3) Where the application for the order under subsection (1) is granted by the Supreme Court, the Commission shall cancel the registration of the political party and thereafter, no person shall—

- (a) summon a meeting of members' or officers of the political party;
- (b) attend or make any person attend a meeting in the capacity of a member or officer of the political party;
- (c) publish a notice or advertisement relating to a meeting;

- (d) invite persons to support the political party
- (e) make a contribution or loan to funds held or to be held by or for the benefit of the political party or on behalf of the political party; or
- (f) give a guarantee in respect of any funds referred to in paragraph (e)

Any person who contravenes subsection (3) commits an offence and shall be liable on conviction to fine not exceeding Le500,000.00 or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Offence and penalty.

**28.** (1) Where any association functions as a political party in contravention of section 11 or holds a public meeting in contravention of subsection (5) of section 12, every executive member of the association commits an offence and shall be liable on conviction to a fine not exceeding Le500,000.00 or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(2) Every person who in furnishing particulars or information required to be furnished by a political party or by him under this Act makes a statement which he knows to be false or which he has no reason to believe to be true or makes a statement reckless, whether it is true or not, commits an offence.

(3) An offence under this section, shall be punishable with a fine not exceeding Le500,000.00 or a term of imprisonment not exceeding one year or both such fine and imprisonment.

Winding -up of political Parties

**29.** Where the registration of a political party is cancelled, the Attorney-General and Minister of Justice may apply to the Supreme Court which may make such orders as appear to the Court to be just and equitable for the winding up and dissolution and disposal of the property, assets, rights and liabilities of the political party

Protection of officers etc. of Commission.

**30.** No officer or other employee of the Commission or any person acting on the direction of an officer or other employee of the Commission shall be liable in respect of any matter or thing done by him in good faith under this Act.

Enlargement of time by Commission.

**31.** The Commission may, if it considers it necessary or expedient to do so, enlarge, by statutory instrument, the time prescribed in this Act for the giving of any notice or for the doing of any act or thing.

**32.** (1) The Commission may make such regulation as may appear to it to be necessary or expedient for giving effect to this Act. Regulations.

(2) Regulations made under subsection (1) may prescribe for the contravention of any provision of the regulations a fine not exceeding Le250,000.00 (two hundred and fifty thousand leones) or a term of imprisonment not exceeding six months or both such fine and imprisonment.

**33.** (1) The following Acts are hereby repealed;

- (a) The Political Parties Act, 1995;
- (b) The Political Parties (Regulation of Conduct) Act, 1995;

Repeal of Act No 7 of 1995 Act No 14 of 1995 and saving.

(2) Notwithstanding the repeals in subsection (1), any certificate of registration issued under any of the Acts repealed shall remain valid until cancelled under this Act.

SCHEDULE (SUBSECTION (7) OF SECTION 2)

“I.....do hereby (in the name of God swear (solemnly affirm) that I will faithfully and truly discharge the duties of the office of..... of the Republic of Sierra Leone and that I will support, uphold and maintain the Constitution of Sierra Leone as by law established. (So help me God).”

PASSED in Parliament this 14th day of February, in the year of our Lord two thousand and two.

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.