

SIGNED this 10th day of September, 2009

ERNEST BAI KOROMA,
President.



No. 10

2009

Sierra Leone

The Chieftaincy Act, 2009.

Short title.

Being an Act to provide for the qualification, election, powers, functions and removal of a person as a Paramount Chief or chief and for other matters connected with chieftaincy.

/ / Date of commencement.

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

Interpretation.

1. In this Act, unless the context otherwise requires:-

“aspirant” means a person aspiring to become a candidate in a paramount chieftaincy and other sub-chieftaincy elections;

“chief” includes a chief, other than a Paramount Chief, a Headman and such other chief as is by customary law the Councillor or assistant of any Paramount Chief;

“Chieftdom Council” has the same meaning as in the Chieftdom Councils Act;

“Gazette List” means the latest list of a Chieftdom Council appearing in the *Gazette* prior to a paramount chieftaincy election under this Act;

“Minister” means the Minister responsible for local government;

“Paramount Chief” means a chief who is not subordinate in his ordinary jurisdiction to any other chief but does not include an acting chief or a regent chief;

“taxpayer” in relation to a chieftdom, is a member of the chieftdom liable to local tax and in possession of a local tax receipt.

PART II—TIME FOR ELECTION OF NEW PARAMOUNT CHIEF

2. Not later than twelve months after a vacancy occurs in the office of Paramount Chief, whether by the death, removal or otherwise of the previous holder of the office, the Chieftdom Councillors of the chieftdom shall elect a new Paramount Chief for the chieftdom in accordance with this Act and the customary law of the chieftdom.

New Paramount Chief to be elected within twelve months of vacancy.

3. (1) Until the election of the new Paramount Chief, the Appointment of caretaker of regent chief.
Minister shall after consultation with the Chieftdom Committee, at the earliest, appoint a regent chief to oversee the administration of the chieftdom in a caretaker capacity.

(2) Notwithstanding subsection (1), where the office of regent chief is, by the customary law of the chieftdom, reserved to a person other than a person appointed by the Minister, that customary law shall apply to the appointment of the regent chief

(3) The term of office of a regent chief appointed under subsection (1) or subsection (2) shall not exceed twelve months.

(4) A regent chief is entitled to vote in the election of the new Paramount Chief but shall not openly take sides or canvass for any candidate.

4. (1) The Gazette List of a Chieftdom Council shall be revised every three years but shall—

Revision of Gazette List.

(a) be revised specially for the purposes of a paramount chieftaincy election to include the following office-holders:

(i) regent chief;

(ii) Chieftdom Speaker;

(iii) Section Chief;

(iv) Court Chairman;

(v) Ceremonial Chief (where the paramount chieftaincy in the chieftdom is by customary law linked with secret societies); and

(vi) Member of Parliament for the constituency in which the chieftdom is situated.

- (b)

be published on three consecutive occasions for verification prior to the paramount chieftaincy election to which it relates.

(2)

In addition to the office - holders specified in subsection (1), the revised Gazette List shall include a number of other Chieftdom Councilors, each representing every twenty taxpayers in the chieftdom, the number of taxpayers in the chieftdom being determined every three years.

(3)

Subject to paragraph (b) of subsection (1) of section 18, the election of a Paramount Chief shall not be invalidated by any irregularity in the revision of the Gazette List used for the election, but it is an offence for any person compiling that List to knowingly take into account an inflated number of taxpayers.

(4)

The revision of the Chieftdom Councilors list shall be undertaken by the office of the Provincial Secretary in collaboration with the Electoral Commission.

PART III –ELECTION PROCEDURES.

- Declaration of Rights.

5.

Before the polling day fixed for the election of a Paramount Chief, a Declaration of Rights meeting shall be convened by the Provincial Secretary, for the purpose of-

(a)

the identification of the Chieftdom Councilors entitled to vote at the election; and

(b)

establishing the claim of persons to be qualified to stand as candidates in the election; and

(c)

affording the Provincial Secretary the opportunity to explain to all parties their responsibilities under this Act.
6.

(1) At the Declaration of Rights meeting, every person intending to vote in the paramount chieftaincy election shall establish his identity as a member of the Chieftdom Council by-

(a)

reference to his name on the Gazette List;

(b)

his being identified as such member by the Section Chief, Town Chief, or, as the case may be, the Village Headman in the locality which he represents in the Chieftdom Council; and

(c)

producing to the Declaration Officer, his current local tax receipt which shall bear the endorsement and stamp of the Chieftdom Administration.
- (2)

Where the chieftdom concerned is an amalgamated chieftdom, the Declaration Officer shall ensure that the conduct of the election of a Paramount Chief for that chieftdom is done on a rotational crowning basis and further ensure that this is complied with.
7.

(1) In any paramount chieftaincy election, the Government responsibility of the Government is limited to only the facilitation of the process so as to ensure that the election is conducted in a fair and transparent manner.

(2)

No government Minister or other official, and no political party, whether collectively or otherwise, shall promote or show support or preference for the candidature of any particular contestant in a paramount chieftaincy election.
8.

(1) A person is qualified to stand as a candidate in a paramount chieftaincy election if-

Qualification for election as Paramount Chief.

(a) he was born in wedlock to a rightful claimant in a recognized ruling house in the chieftdom; or

(b) where tradition so specifies, he or she has direct paternal or maternal lineage to a rightful claimant in a recognized ruling house, whether born outside wedlock or not.

(2) For the purposes of subsection (1), a recognized ruling house is one that has been established and in existence as such at independence on 27th April, 1961.

Disqualification for election as Paramount Chief.

9. Notwithstanding the provisions of any enactment, a person is not qualified to stand as a candidate in a paramount chieftaincy election if—

(a) he is a regent chief of the chieftdom concerned;

(b) he has been convicted by any court for an offence involving fraud, dishonesty, theft, violence or rape for which he has not been pardoned;

(c) in the case of a person who has been removed or has been required to resign from the office of Paramount Chief for conduct inconsistent with good governance, five years have not elapsed from such removal or resignation; or

(d) he is the adopted child of the person from whom he claims to be qualified.

Provincial Secretary to be Declaration Officer.

10. For every paramount chieftaincy election, the Provincial Secretary shall be the Declaration Officer.

11. (1) For every paramount chieftaincy election, two Paramount Chiefs shall be appointed by the Minister as Assessor Chiefs as follows:—

(a) one from within the district and the other from outside the district where the new Paramount Chief is to be elected; and

(b) the chieftdom outside the district must have customs and traditions similar to those of the chieftdom.

(2) The Government shall meet the transport and living expenses of the Assessor Chiefs but the people of the chieftdom may, through the regent chief, accord to the Assessor Chiefs any normal traditional and customary courtesies, in addition.

12. (1) The functions of the Assessor Chiefs shall be—

Functions of Assessor Chiefs.

(a) to advise and assist the Declaration Officer in the conduct of the elections;

(b) to advise the Chieftdom Councillors on the importance of their decision to elect a new Paramount Chief;

(c) to ensure that the traditions and customs of the chieftdom are respected and upheld during the conduct of the elections; and

(d) to endorse the Attestation Document referred to in section 16.

(2) Where at any stage of the conduct of an election there is any disagreement regarding any matter—

(a) between the Assessor Chiefs; or