

SIGNED this 7th day of April, 1986.

A3

J. S. MOMOH,  
*President.*

LS

No. 2



1986

Sierra Leone

**The Pensions and Retiring Benefits of Presidents  
and Vice-Presidents Act, 1986**

Short title.

Being an Act to make provision for the grant of pension and retiring benefits to a retired President in pursuance of subsection (5) of section 27 of the Constitution of Sierra Leone, 1978 (Act No. 12 of 1978); and also to make provision for the grant of pension and other retiring benefits to retired Vice-Presidents and for other purposes incidental thereto

[1st March, 1985.] Date of commencement.

WHEREAS subsection (5) of section 27 of the Constitution of Sierra Leone, 1978 provides that the President shall be entitled to such pension and retiring benefits as shall be prescribed by Parliament.

AND WHEREAS section 131 of the said Constitution provides inter alia, that there shall be paid to the holders of the office of President and Vice-President such salary and allowances as may be prescribed by or under any law or determined by the President acting in consultation with the Cabinet:

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

PART I—PRELIMINARY

Commence-  
ment.

1. This Act shall be deemed to have come into effect on the 1st day of March, 1985.

Interpreta-  
tion.

2. (1) In this Act, unless the context otherwise requires—

“child” includes an illegitimate child and an adopted child, being below the age of twenty-one years and unmarried;

“the Constitution”, means the constitution of Sierra Leone, 1978 (Act No. 12 of 1978); and

“retired President” or “retired Vice-President” means any person who has held the office of President of Sierra Leone or Vice-President and who retires from that office on or after the 1st day of March, 1985;

“widow” includes a “widower”.

(2) Any reference to retirement in this Act shall, in the case of a President, be deemed to include a reference to a person who ceases to hold the office of President by effluxion of time and is not re-elected to that office and also a person who ceases to hold that office under section 30 of the Constitution:

Provided that any such person who ceases to hold that office under section 30 of the Constitution shall only be entitled to enjoy such retiring benefits prescribed in relation to the office of President in Part III of this Act or part thereof as may be determined by the Cabinet.

(3) Any reference to retirement under this Act does not include a reference to a person ceasing to hold office as President under section 31 of the Constitution.

(4) Any reference in this Act to retirement in the case of a person holding the office of Vice-President, shall be deemed to apply only to a person who ceases to hold that office by resignation of his office or by the dissolution of Parliament or by reason of his being incapacitated by illness from performing the functions of that office:

Provided that any person who ceases to hold that office by reason of his being incapacitated by such illness shall only be entitled to enjoy such of the retiring benefits prescribed in relation to the office of Vice-President in Part III of this Act or part thereof as may be determined by the Cabinet.

#### PART II—PENSION AND GRATUITY

3. (1) A retired President who has held the office of President for a period not less than twelve months shall be entitled to a monthly pension computed on the basis of an amount equal to the annual basic salary of a President on the day he retired from that office. Pension for retired President and Vice-President.
- (2) A retired Vice-President who has held the office of Vice-President for a period not less than twelve months shall be entitled to a monthly pension computed on the basis of an amount equal to the annual basic salary of a Vice-President on the day he retired from that office.
4. (1) A retired President who has held office as President for a period not less than twelve months shall, in respect of his period of service as President, be entitled to be paid a gratuity of thirty per centum of his salary for that period. Gratuity for retired President or retired Vice-President.
- (2) A retired Vice-President who has held office as Vice-President for a period not less than twelve months shall in respect of his period of service as Vice-President, be entitled to be paid a gratuity of thirty per centum of his salary for that period.
- (3) The salary on the basis of which a gratuity shall be calculated under this section shall be the basic salary of a President or Vice-President as the case may be, on the day on which the person in respect of whose retirement the gratuity is to be paid retired from the relevant office.
5. Any person who ceases to be a President under section 31 of the Constitution and who has held office as President for a period not less than twelve months may be granted such pension, gratuity and any of the other retiring benefits prescribed by this Act or such part thereof as the Cabinet may determine. Pension etc. for person who ceases to be President under section 31 of Constitution.
6. Any person who ceases to be a Vice-President otherwise than in the manner referred to in subsection (4) of section 2 of this Act and who has held that office for a period not less than twelve months may be granted such pension and gratuity and any other retiring benefits prescribed by this Act or such part thereof as the Cabinet may determine. Pension etc. for person ceasing to be Vice-President otherwise than in manner prescribed.

Savings of  
accrued pen-  
sion rights.

7. (1) Except where otherwise stated expressly or by necessary implication, nothing in this Act shall prejudice any pension or gratuity payable under any other enactment in respect of service in any office other than the office of President or Vice-President; and any such pension or gratuity may continue to be payable under such laws as may be applicable thereto.
- (2) In particular, nothing in this Act shall prejudice any pension or gratuity that may have been earned by any person under any other enactment in respect of any office other than the office of President or Vice-President.

Effect of be-  
coming  
Member of  
Parliament  
or election  
to office of  
President.

8. Where any person to whom a pension is payable under this Act is or becomes a Member of Parliament or is elected to the office of President, he may elect to receive his pension in lieu of his salary from the date such pension becomes payable or from the date of his so becoming a Member of Parliament as the case may be, or from the date of his election to the office of President, until such time as he ceases to be a Member of Parliament or President but he shall not be entitled to receive both such pension and salary.

Pension for  
life.

9. Subject to Sections 10 and 11 of this Act, the pension payable under this Act shall continue for the life of the person to whom it is granted.

Pension and  
gratuity on  
death of  
President  
or Vice-  
President  
in office.

10. (1) Where a President or Vice-President dies while in office the pension and gratuity that would have been payable if he had retired on the date of his death shall be paid—
- (a) to such of the persons described in subsection (2) of this section, and
- (b) in such proportions and in such manner, as the Cabinet may determine.
- (2) The persons referred to in subsection (1) of this section are the following, that is to say—any widow, child, relative or dependant of the deceased President or Vice-President.
- (3) The gratuity to be paid under subsection (1) of this section shall not, in the aggregate exceed the gratuity that the deceased President or Vice-President would have been entitled to if he had retired on the day he died.
- (4) Any gratuity granted under this section shall not be subject to the payment of estate duty.
- (5) Where a pension is granted under this section, it shall be paid for a period not exceeding twelve and a half year

from the date of the death of the President or Vice-President as the case may be.

11. (1) Where a retired President or Vice-President dies within twelve and a half years after the date on which his pension under this Act was paid or became payable, his widow or if he had dependent children or dependent relatives or both, his widow and dependent children or dependent relatives or both, as the case may be, shall be entitled to a pension of the same amount in aggregate as was paid or payable to him, for the remainder of the said period of twelve and a half years. Pension to widow of deceased retired President or Vice-President.
- (2) Where any gratuity payable to a retired President or Vice President under this Act had not been paid prior to his death, it shall be paid to the said persons under subsection (1) of this section.
- (3) Any such gratuity shall not be subject to the payment of estate duty.
- (4) A widow shall not be entitled to receive and shall not be paid any pension under this section in respect of any period after her re-marriage.

12. No pension or gratuity payable under this Act shall be assignable or transferrable 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 not assignable or attachable.

### PART III—MISCELLANEOUS RETIRING BENEFITS

13. (1) A retired President or Vice-President shall be paid in a lump sum his salary in respect of all leave earned by him throughout the period he held office as President or Vice-President up to the time he retired from that office, but not consumed. Leave pay.
- (2) The salary to be employed in the computation of leave pay under this section shall be the last drawn salary of the President or Vice-President prior to his retirement.
14. (1) A retired President shall be entitled to be provided at the expense of the State with suitable office accommodation with an estimated rental value of not more than Le10,000.00 (ten thousand leones) per annum. Office accommodation and office staff.
- (2) A retired President shall be entitled to be provided at the expense of the State with office staff as follows—
- (a) one officer of the status of Senior Assistant Secretary.

Residential  
accommodation  
and  
household  
staff.

Provision of  
certain household  
staff  
to retired  
Vice-President.

- (b) one Confidential Secretary,  
(c) one Private Secretary, and  
(d) two office messengers.
- (3) The salaries of the staff referred to in subsection (2) of this section shall be as approved by the Cabinet.
- (4) The retired President may, in lieu of the actual provision of office accommodation and staff under this section, be paid the cost of the provision of such services.
15. (1) A retired President shall be provided at the expense of the State with residential accommodation at an annual rental value of not more than Le15,000.00 (fifteen thousand leones).
- (2) A retired President shall be provided at the expense of the State with household staff comprising—
- (a) two cooks,  
(b) two stewards,  
(c) two cleaners,  
(d) two gardeners,  
(e) two laundrymen, and  
(f) one Domestic Supervisor.
- (3) The salaries of the staff referred to in subsection (2) of this section shall be as approved by the Cabinet.
- (4) A retired President may, in lieu of the actual provision of residential accommodation and other services under this section, be paid the cost of the provision of such accommodation and services.
16. (1) A retired Vice-President shall be provided at the expense of the State with the following household staff—
- (i) one cook,  
(ii) one steward, and  
(iii) two other servants.
- (2) The salary of the staff to which subsection (1) of this section relates shall be as approved by the Cabinet.
- (3) A retired Vice-President may, in lieu of the actual provision of such staff as are referred to in subsection (1) of this section, be paid the cost of the provision of such services.

17. (1) All bills for electricity and water consumed in and any other rates and taxes imposed on or in respect of office and residential accommodation of a retired President to which this Act relates shall be paid by the State. Electricity and water charges and other rates and taxes to be paid by State.
- (2) All bills for electricity and water consumed in and any other rates and taxes imposed on or in respect of one residential accommodation of a retired Vice-President shall be paid by the State.
18. (1) A retired President shall continue to enjoy all the exemptions from taxes and duties which he enjoyed while he held the office of President. Exemption from taxes and duties.
- (2) A retired Vice-President shall be exempted from the payment of all taxes and duties on such personal effects imported by him into Sierra Leone as may be approved by the President.
19. (1) A retired President shall be entitled to travel outside Sierra Leone at the expense of the State, once in each year with a staff of up to two, namely one secretary and one security personnel: External tra- vel.
- Provided that the cost of such travel shall be limited to the cost of a return air ticket to the United Kingdom which shall be a first class ticket in the case of the President and economy class ticket in the case of each of the other two.
- (2) A retired Vice-President shall be entitled to travel outside Sierra Leone at the expense of the State, once in each year with one security personnel:
- Provided that the cost of such travel shall be limited to the cost of a return air ticket to the United Kingdom which shall be a first class ticket in the case of the Vice-President and an economy class ticket in the case of the security personnel.
20. (1) A retired President shall be entitled to be provided the expense of the State with reasonable transport facilities which shall consist of the following vehicles— Transport facilities.
- (a) one VIP car,
- (b) one escort car,
- (c) one family car, and
- (d) one utility car.
- (2) Four drivers or their salaries shall be provided to the retired President at the expense of the State for such drivers to drive the vehicles referred to in subsection (1) of this section and the running costs of the vehicles shall be paid for by the State.

- (3) A retired Vice-President shall be entitled to be provided at the expense of the State with reasonable transport facilities which shall consist of the following vehicles:—
- (a) one VIP car, and
  - (b) one utility car.
- (4) Two drivers or their salaries shall be provided to the retired Vice-President at the expense of the State for such drivers to drive the vehicles referred to in subsection (3) of this section and the running costs of the vehicles shall be paid for by the State.
- (5) The prices of the vehicles described in subsections (1) and (3) of this section and the salaries of the drivers and also the amount of the running costs of such vehicles shall be as approved by the Cabinet.

Security for  
retired Pre-  
sident and  
Vice-Presi-  
dent.

21. (1) Reasonable but adequate security shall be provided for the protection of a retired President, his family and his residence at the expense of the State comprising the following—
- (a) three Police Officers not below the rank of Assistant Superintendent of Police,
  - (b) thirty personal guards, and
  - (c) four watchmen.
- (2) Reasonable but adequate security shall be provided for the protection of a retired Vice-President, his family and his residence at the expense of the State comprising six personal guards.
- (3) The salaries of the security personnel described in subsections (1) and (2) of this section shall be as approved by the Cabinet.

Qualifying  
service for  
other retir-  
ing benefits.

22. A retired President or Vice-President as the case may be, shall only be entitled to enjoy the retiring benefits prescribed in sections 14, 15, 16, 17, 18, 19, 20 and 21 of this Act if he has held that office for not less than twelve months.



PART IV—GENERAL PROVISIONS

23. The pension, gratuity and other retiring benefits granted under this Act are hereby charged on the Consolidated Fund.

Pensions,  
gratuity and  
other retir-  
ing benefits  
charged on  
Consoli-  
dated Fund.

24. The Minister responsible for Finance may make such regulations as may be necessary for giving full effect to the provisions of this Act.

Regulations

25. Subject to the provisions of section 7 of this Act, the Parliamentary Pensions Act, 1980 (Act No. 1 of 1980) shall cease to apply to the pension of a President or Vice-President.

Parliamen-  
tary Pensions  
Act, 1980  
disapplied.

26. The said Parliamentary Pensions Act, 1980 (Act No. 1 of 1980) is hereby amended as follows—

Consequen-  
tial amend-  
ment of Act  
No. 1 of  
1980.

- (a) in section 2, in the definition of "Member of the Legislature" by the deletion of the word "President,"
- (b) in section 5 by the deletion of the words "as President for any period or as Vice-President for a period of twelve months or"; and
- (c) in the Schedule thereto, by the deletion of the particulars relating to a President and a Vice-President in columns 1 and 2.

Passed in Parliament this 26th day of March, in the year of our Lord one thousand nine hundred and eighty-six.

H. M. JAMES,  
*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.

H. M. JAMES,  
*Clerk of Parliament*