



# HOW OUR LAWS ARE MADE:

## *The Sierra Leone Legislative Process*

Parliament is the arm of government responsible for making laws for the Republic of Sierra Leone. Parliament is the supreme legislative authority in Sierra Leone, as defined by Part V of the 1991 Constitution. Bills become law once they are enacted by Parliament and signed by the President. The constitution determines the lawmaking role of parliament, and the standing orders lay out the internal process within parliament. Parliamentarians are responsible for enacting laws to ensure that the country's democracy operates openly and freely. Laws are meant to address the country's problems and should provide for the best possible quality of life for the people. To exercise their legislative powers, Members of Parliament can:

- introduce legislation (a private member bill) to address specific issues;
- review, debate, and amend government bills presented by the Executive branch and introduced for debate by the majority caucus.

In this brochure, you will find a summary of the process through which a bill for an Act of Parliament must go before it becomes a law.





## SOURCES OF BILLS

A law begins as a bill. A bill is a proposal for an Act of Parliament, or in other words is a proposal for a law. The bill can be a new one, introducing ideas not yet covered by existing law. A bill can also be an amendment to an existing law, due to changes in government policies or in the society in general.

Any citizen of Sierra Leone can suggest a bill. However only Members of Parliament (MPs) or Government Ministers can formally introduce a bill in Parliament. When a bill is introduced from a Minister in the executive arm of government, it is called a government bill. When a bill is introduced from a MP in the legislative arm, it is called a private member bill.

### *WHAT MAKES UP A BILL*

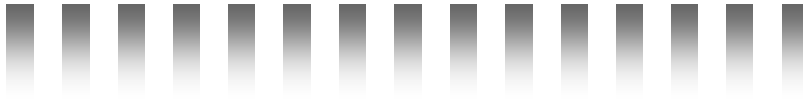
***Title:*** The heading of the bill that states the particular issue or area it addresses. The title clearly states the subject matter of the bill.

***Preamble:*** Introductory language describing the reasons for and intent of a bill, sometimes called a whereas clause.

***Clause:*** A special and separate provision in a bill or law, such as an enacting clause or resolving clause. It is also the first subdivision of a standing rule: for example, Rule 1, clause 1. A clause can also be a second subdivision of the Constitution.

***Amendment:*** A formal proposal to alter the text of a bill or resolution. An amendment may strike out (eliminate) part of a text or insert new text. Amendments are voted on in the same manner as a bill or other motions.

***Schedule:*** The structure and organization of a bill.



## STAGE 1: NOTICE REGARDING BILLS

After a bill is drafted, it is published in two successive issues of the *Gazette* at least nine (9) days before it is introduced in the Parliament for the first reading. This notice period serves to inform both MPs and citizens and solicit relevant reactions from the Parliament and interested members of the public.

The Minister or MP wishing to introduce the bill will sign and send a memorandum along with a copy of the bill to the office of the Clerk. The memorandum concisely explains the reasons for the bill and its main objectives. Parliament can hold pre-legislative meetings with the Minister or MP in charge of the bill, where necessary, to scrutinize and discuss the bill. Parliament can invite stakeholders to participate at such meetings if they also decide that it is necessary.

## STAGE 2: INTRODUCTION AND FIRST READING

Once there has been a notice of a bill, it is read officially for the first time in the Parliament. The first reading serves to inform the House of Parliament about the content of the bill and its overall purpose. At this stage there is usually no debate on a bill. The first reading serves to inform MPs that a bill has been introduced and make MPs aware of the basic content of a bill before it moves on to the next stage.

A MP wishing to propose a private member bill should apply to the House by a motion for permission for the first reading. The motion will contain the long title of the bill, the objectives, and its key purposes. If the motion is granted, the MP will deliver a copy of the bill to the Clerk of Parliament who will then read the short title of the bill aloud in plenary.

A government bill can be introduced by a Minister after a two days' notice to Parliament through the office of the Clerk. Upon such introduction, the Minister will move for the first reading of the bill.



### STAGE 3: SECOND READING

After the first reading, the Minister or MP in charge of the bill will move a motion (if necessary the motion can be seconded) for the second reading of the bill. The second reading can take place immediately after the first reading. Alternatively, the Speaker in consultation with the Chairman of the Business Committee and the Clerk of Parliament will name a future date for the second reading to occur.

At the second reading, the bill is explained. The Minister or MP who is proposing the bill will normally give a speech, summarizing the bill and explaining why it is needed. MPs will then debate on the general merits and principles of the bill, but will avoid discussing its detail. Upon conclusion of the debate, MPs will vote on the motion moved by the Minister or MP. If there is a simple majority vote in support of the motion, the Clerk will read the long title of the bill aloud and declare that the bill has been read for a second time. If there is not a simple majority vote in favor, the bill is dead.

From this stage, the bill will continue its journey towards becoming a law.

### STAGE 4: COMMITMENT OF BILLS

After the second reading, the next step in the process is the commitment of bills, or the committee stage. Normally, a bill will stand committed to a committee of the Whole House immediately after the second reading. Alternatively, the House can move a motion for it to be assigned to a select committee. The committees (Whole House or select) will carefully examine the details of the bill; the title, preamble, clauses and schedules, point by point. The committees may make relevant changes to the bill. Such changes are called amendments. They can amend the title, preamble, clauses, and schedules of the bill as long as such amendments are relevant to the subject matter of the bill. The Legislative Committee has jurisdiction over all bills introduced in Parliament.



## STAGE 4: COMMITTAL OF BILLS

When a bill is committed to a Committee of the Whole House:

A Committee of the Whole House is made up of all MPs. Deliberations can commence either immediately or on a future date when a bill is committed to a committee of the Whole House. At the sittings of the committee of the Whole House, the mace will be covered by the Sergeant-at-Arms. The Speaker and the Clerks at the table will take off their wigs. This means that Parliament has resolve into a committee of the Whole House. The Speaker during this period will be addressed as Mr. Chairman because in Parliament the committees are headed by chairpersons.

The Clerk of Parliament will read the clauses of the bill (either one after the other or in group) and the Minister or MP in charge of the bill will move that the clauses stand part of the bill. The Chairman will then put the question to the House of whether the clause(s) should stand part of the bill. Members will then debate the clause (s). They can dispose of “defective” clause and propose new ones. After the clauses have been deliberated, the committee will proceed to consider the schedules, preamble, and title of the bill in similar details.

When actions on the details of the bill have been duly concluded, the Chairman will announce the resumption of the proceedings of Parliament. The mace will be uncovered, the Speaker and Clerks will wear their wigs and MPs will begin to address the Chairman as Mr. Speaker.

The Minister or MP in charge of the bill will report the outcome of the committee proceedings and will thereafter move a motion for the third reading and for the bill to be passed into law. If no further debate is required on the bill, the Speaker will ask the House whether to proceed with the third reading as moved by the Minister or MP.



When a bill is committed to a select committee:

The legislative or select committee is a group of MPs with authority over different areas of public business such as agriculture, education, communication, or roads and transport. A select committee can deliberate a bill in detail and make relevant amendments; decide on clause, schedules, preambles and title of the bill.

Unlike the committee of the Whole House, the legislative/select committee can sit to deliberate a bill when Parliament is adjourned or on a recess. The Chairman of the legislative/select committee will chair meetings of the committee. If s/he is absent, the committee will elect an ad hoc chairman. A Clerk will be assigned to the legislative/select committee and s/he will announce the clause or groups of clauses for line by line scrutiny.

The meetings of legislative/select committee on a bill can include public sessions. Public sessions can be a valuable tool to ensure that a bill reflects input from citizens, particularly those who would be most affected by the bill. The committee can also arrange for resource persons from either Parliament or the public to attend its sessions.

At the end of the deliberation, the committee will collate a report on every step and actions, which they took on the bill. The Clerk of Parliament will circulate the report to the House and the Chairman of the legislative/select committee, or his/her representative will read the report in the committee of the Whole House. During this period, the Minister or MP in charge of the bill can propose further amendments if s/he is not satisfied with the report. The Speaker (but because it is the committee of the Whole House, the Chairman) will put the question of amendment to vote.

If MPs sitting in the committee of the Whole House are generally dissatisfied with the report and think proper scrutiny of the details of the bill has not been done and they themselves cannot accomplish their expectations in that sitting (of the committee of the Whole House), a MP may move a motion for the bill to be recommitted to the Legislative/select Committee.

However, if the MP or Minister is so satisfied, He will move a motion for the third reading of the bill and for it to be passed into law.



## AMENDMENTS

When a bill has been committed to either a select committee or a committee of the Whole House, the committee has the power to make amendments to a bill as they see fit, including new clauses and new schedules. No amendment shall be approved which is inconsistent with any clause already agreed to or any decision already come to by the committee. At anytime, the chairperson of the committee can withdraw a proposed amendment from consideration in the committee if the chairperson holds that discussion has shown that the amendment violates the basic provisions of the bill. Most amendments will be within the scope of the subject matter of the bill. If any amendment is not within the title of the bill, the title will also be amended accordingly. Some amendments can be made either verbally or in writing.



## STAGE 5: THIRD READING

Here Parliament will review the bill. With the permission of the Speaker, they can correct errors where necessary. The Speaker will ask the House whether to proceed with the motion, which was moved by the MP or Minister in charge of the bill for the third reading. If the motion is passed, the Clerk will read the long title of the bill. After the bill has been read for the third time, it will then be passed into law (on the part of Parliament). The Clerk of Parliament will process and certify the bill and submit it to the President through the Secretary to the President for his assent.





## STAGE 6: PRESIDENT'S ASSENT

The President of Sierra Leone is invested with the power to sign bills into law. While the legislature makes laws and considers policies of the Executive, the Executive implements policies and enforces laws passed by the Legislature. The President's power to sign bills into law is a part of the checks and balances of Sierra Leone's democracy. After the president signs a bill, it is returned to the Clerk of Parliament.

### *VETO*

In a case where the President refuses to sign the bill, it will be returned to Parliament within fourteen days from the day the bill was received, stating reasons for his refusal. The bill can however become a law if two-thirds of the parliament votes in favor.

## STAGE 7: PUBLICATION IN THE *GAZETTE*

Once a bill has either been signed by the President or vetoed but passed by a 2/3 majority in parliament, the bill will be published in the *Gazette*.

The new law comes into force on the day that it is published in the government *Gazette* or on any other date as stated in the Act. Parliament may also postpone any law from coming into operation, and can also make laws with retroactive effect.

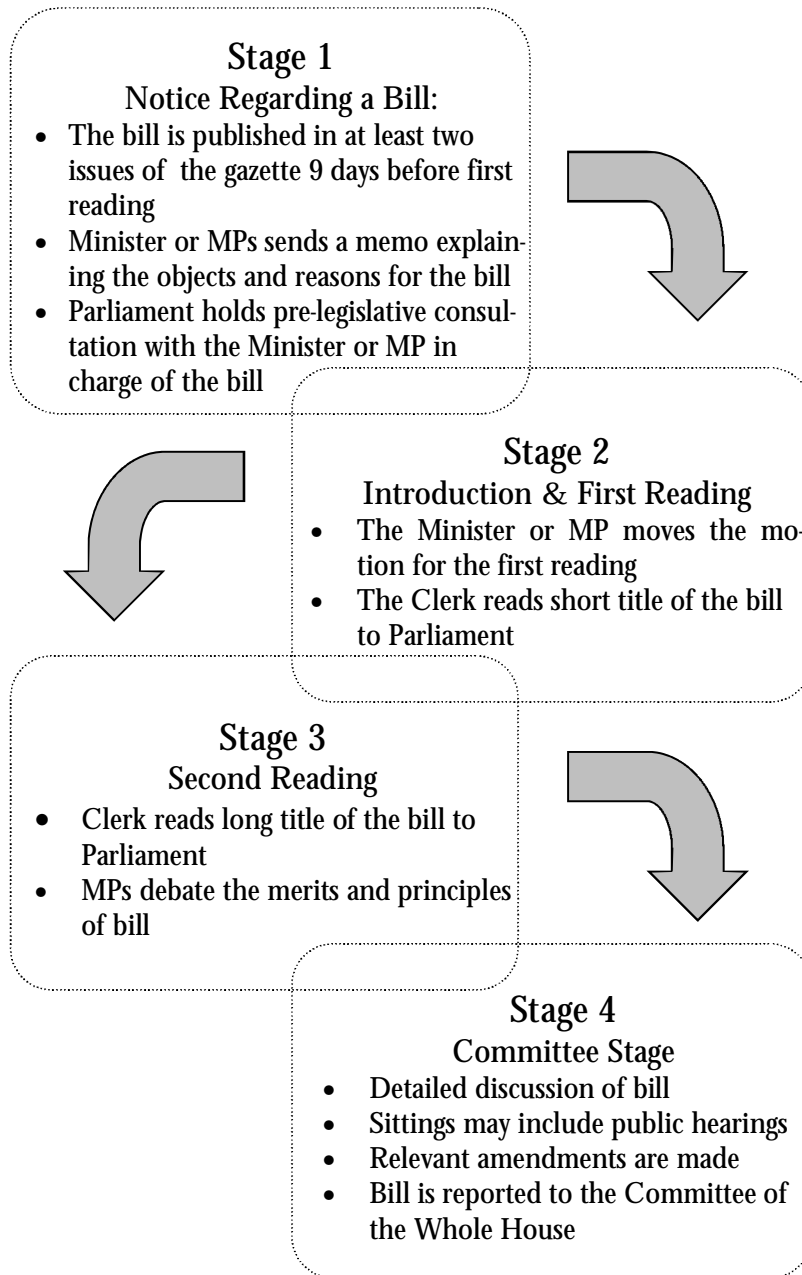
## WITHDRAWAL OF A BILL

The MP or Minister in charge of a bill may make a motion without notice for its withdrawal at any stage before it has been read for the third time, except when a bill is before a committee.

If an interval of three months passes after any reading of a bill without further action being taken on it, the bill shall be deemed to be withdrawn unless the House otherwise resolves.



## HOW A BILL BECOMES A LAW



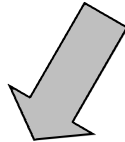


## HOW A BILL BECOMES A LAW

### Stage 5

#### Third Reading

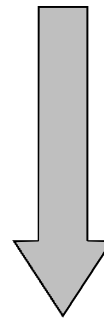
- Parliament amends errors and re-view bill
- Bill is read for third time, including any amendments
- Bill passed to law (in Parliament)



### Stage 6

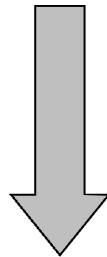
#### President's Assent

- The President of Sierra Leone signs the bill



### Veto

- President refuses to sign bill
- Bill sent back to Parliament
- Bill can become law with a 2/3 majority vote of Parliament



### Stage 7

#### Publication in *Gazette*

- Bill becomes law on the day it is published in government *Gazette*

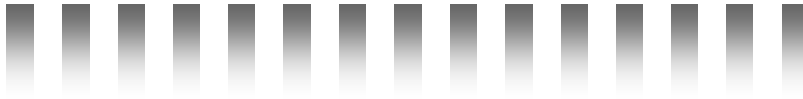


## Ten Tips for Analyzing Legislation

To better analyze legislation, MPs should have a good understanding of the issues to be addressed by a bill. For example, it is helpful to start by determining the problem the bill seeks to resolve and then identify any existing legislation or rules and regulations on similar issue(s). When reviewing a bill, an MP must keep in mind that the new bill will have an impact on existing legislation and practices.

When reviewing a piece of legislation for the first time, the following questions could serve as a guide of things to keep in mind :

- What is the purpose of the bill?
- How and why was the bill developed, and who was involved?
- Are there current laws related to the issue(s) the bill seeks to address? If so, how will passage of new legislation affect the current situation?
- When does the bill go into effect, and how long does it stay in effect?
- How will the bill be implemented?
- Does passage of the bill have any implications for local government?
- What are the arguments “for” and “against” the bill, and who makes them?
- Are there alternative recommendations or suggestions for improving the issue at hand? If yes, how can the MP work to amend the bill?
- What is the funding mechanism for implementation of the bill? Does funding for implementation of the bill divert resources away from other more important governmental responsibilities?
- Has your party taken any positions that may support or conflict with this legislation?



## GLOSSARY OF TERMS

### Amendment

A formal proposal to alter the text of a bill or resolution. An amendment may strike out (eliminate) part of a text or insert new text. Amendments are voted on in the same manner as a bill or other motions.

### Bill

A proposal for a law. A bill is a document by which one or more legislators seek to effect change. Bills can be new, introducing ideas not yet covered by existing law, or can be an amendment to an existing law, due to changes in government policies or in the society in general.

### Government bill

When a bill is introduced from the executive arm of government, it is called a Government bill. The bill must be introduced in the Parliament by a Minister in charge of the ministry that has authority over the jurisdiction of the bill.

### Private member bill

A bill proposed or sponsored by a member or group of members from the legislative arm of government is called a private member bill. This can also be a bill sponsored by the civil society organizations through any of their representatives

### First reading

When the bill is read officially for the first time in the Parliament. Only the short title of the bill will be read by the Clerk of Parliament. The first reading serves to inform the House of Parliament about the bill. Members do not debate the bill at this stage.



## GLOSSARY OF TERMS CONTINUED

### Second reading

A required reading of a bill usually after debate on its general principles, merits and demerits of the bill. At this stage, the Clerk will read the long title of the bill aloud and declare that the bill has been read for a second time before the bill is committed to a committee.

**Third reading** is also a required reading to a chamber of a bill by title only before the vote on passage. The original purpose of a third reading was to give members the opportunity to hear full text of the measure before voting on it.

### Simple majority

The result of a vote on a matter that is highest number of votes from members present. This is different from an absolute majority, which would require the majority of votes from all Members.

### Select Committee

A group of MPs with authority/jurisdiction over specific areas of public business such as agriculture, education, communication, or roads and transport. The select committee performs oversight functions over its specific areas of jurisdiction.



#### *AMENDING THE CONSTITUTION*

*Parliament has the power to amend the 1991 Constitution of Sierra Leone, in accordance with procedures specified in the Constitution. Any amendment to the Constitution must go through the following steps:*

- *Be published in at least two issues of the Gazette (at least 9 days apart)*
- *The bill must receive support from at least 2/3 of MPs during both the second and third reading*
- *A public referendum is held by the NEC and the bill is approved by 2/3 of the valid votes cast*
- *The President of Sierra Leone signs the bill*



Since launching its Sierra Leone program in 2001, NDI has worked with CSOs, Members of Parliament (MPs), political parties, the security sector, and other actors to strengthen civic participation and political institutions in Sierra Leone. Following the 2007 legislative elections, NDI conducted an orientation program for Members of Parliament and legislative staff to strengthen the capacity of the Parliament of Sierra Leone to serve as a democratic and responsive legislative body. The program assisted MPs and staff to have a better understanding of the role of parliament, parliamentary processes and functions, executive oversight, constituency outreach, and the principles of accountability and representation.