

SIGNED this 26th day of August, 1976.

SIAKA STEVENS,
President.

LS

No. 13

1976



Sierra Leone

The Sierra Leone Citizenship (Amendment) Act, 1976

Short title.

[26th August, 1976.]

Date of
commence-
ment.

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

1. Part III of the Sierra Leone Citizenship Act, 1973 is hereby repealed and replaced by the following new Part—

Repeal and
replace-
ment of
Part III
of Act
No. 4 of
1973.

“PART III—CITIZENSHIP BY NATURALIZATION

Citizen-
ship by
naturaliza-
tion of
married
women

7. Every woman who is not a Sierra Leonean and who is or has been married to a Sierra Leone citizen, may, on application being made by her in the manner prescribed, be granted a certificate of naturalization.

Citizen-
ship by
naturaliza-
tion of
other
persons.

8. (1) Every person of negro African descent born in Sierra Leone after the eighteenth day of April, 1971, may on application being made by him in the manner prescribed, be granted a certificate of naturalisation :

Provided that a person shall not be granted a certificate by virtue of this section if at the time of his birth—

(a) neither of his parents was a citizen of Sierra Leone and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Sierra Leone; or

(b) his father was an enemy alien and the birth occurred in a place then under occupation of the enemy.

(2) Every person of full age and capacity, either of whose parents is a person of negro African descent who is resident in Sierra Leone and has been continuously so resident for a period of not less than eight years may, on application in the prescribed manner being made by him that he is qualified for naturalisation under the Second Schedule, be granted a certificate of naturalisation.

(3) Every person of full age and capacity, neither of whose parents is a person of negro African descent, who is resident in Sierra Leone and has been continuously so resident for a period of not less than fifteen years may, on application being made by him in the manner prescribed, be granted a certificate of naturalisation if he satisfies the Minister that he is qualified for naturalisation under the provisions set forth in the Third Schedule.

(4) Any person under the age of twenty-one years—

(a) whose father or mother was a citizen of Sierra Leone by naturalization;

- (b) born outside Sierra Leone on or after the date on which the father or mother became a citizen as aforesaid,

may if he desires to acquire citizenship of Sierra Leone, make an application therefor for naturalization under the foregoing provisions of this section.

(5) Any person who has acquired citizenship of Sierra Leone in accordance with the provisions of subsections (2), (3) and (4) or such person's wife and children who have acquired such citizenship by reason of that person himself having so acquired Sierra Leone Citizenship shall not hold the following public offices—

- (a) President of the State of Sierra Leone,
- (b) Member of any Commission established under the Sierra Leone Constitution,
- (c) Ambassador or Diplomatic Representative of Sierra Leone in any foreign country,
- (d) Member of the Army or Navy or Air Force or Police Force of Sierra Leone,
- (e) Permanent Secretary, Provincial Secretary, Secretary to the President, Secretary to the Vice-President, Secretary to the Prime Minister, Secretary to the Foreign Minister, the Financial Secretary, the Secretary to the Cabinet or the Establishment Secretary,
- (f) Member of Parliament or of a Local Authority:

Provided that the restrictions specified under this subsection may be removed by Resolution passed by not less than two-thirds of the Members of Parliament on application being made by that person in the manner prescribed, after a period of twenty-five years of his acquiring Sierra Leone Citizenship.

Conditions precedent to grant of certificate.

9. Notwithstanding anything in this Act contained, no person applying for citizenship under sections 7 and 8 shall be granted a certificate of naturalisation unless—

- (a) he is of full age and capacity; and
- (b) he has renounced, in a manner satisfactory to the Minister, any other citizenship which he possesses; and

(c) he has taken an oath of allegiance to the Republic in accordance with the First Schedule;

(d) he has made and registered a declaration, satisfactory to the Minister, concerning residence and employment; and

(c) he has paid such fees as may be prescribed:

Provided that where a person cannot renounce the citizenship of the other country under the law of that country he may instead make a declaration concerning that other citizenship as will satisfy the Minister that the declarant intended to and has in fact properly renounced that citizenship."

Repeal and replacement of Section 13 of Act No. 4 of 1973.

2. Section 13 of the Principal Act is hereby repealed and replaced by the following new section—

Taxes, rates fees etc.

Act No. 17 of 1972.

Act No. 14 of 1965.

Act No. 16 of 1972.

Cap. 257.

Cap. 273.

Cap. 198.

13. (1) Notwithstanding any laws to the contrary every person resident in Sierra Leone who is a citizen of a foreign country or a naturalised citizen of Sierra Leone shall pay such rates, taxes, fees, charges and impositions under the Business Registration Act, 1972, the Non-Citizens (Registration, Immigration and Expulsion) Act, 1965, the Pay Roll Tax Act, 1972, the Business Names Registration Act, the Income Tax Act, the Alluvial Diamond Mining Act, and all Rules made thereunder:

Provided that a citizen by naturalisation shall pay those taxes, rates, fees, charges and impositions that are applicable to persons of his former nationality.

(2) The Minister may, upon application being made to him, direct that any naturalised person shall pay such taxes, rates, fees, charges and impositions as are paid by a citizen by birth if in his opinion it will be conducive to the public good to do so."

Repeal and replacement of Section 29 (3) of Act No. 4 of 1973.

3. Subsection (3) of section 29 of the Principal Act is hereby repealed and replaced by the following new subsection—

Act No. 8 of 1971.

"(3) Subsection (1) of section 4 of the Interpretation Act, 1971, is hereby amended by the deletion of the definition of the word "native" and replacing the same by the following new definition—

“native” means a citizen of Sierra Leone who is a member of a race, tribe or community settled in Sierra Leone, other than a race, tribe or community—

(a) which is of European or Asiatic or American origin; or

(b) whose principal place of settlement is in the Western Area.”.

4. The Schedules to the Principal Act are hereby amended as follows—

Amendment
of Schedules
of Act No.
4 of 1973.

(a) by repealing the words “(sections 7, 8 and 11)” appearing in line one of the First Schedule thereof and replacing them by the following new words—
“(Sections 7, 8, 9 and 11)”;

(b) by repealing the words “(1) Subject to the provisions of paragraph (2), the qualifications for naturalization of an alien who applies therefor are” appearing in lines one and two in paragraph (1) of the Second Schedule thereof and replacing them by the following new words—

“(1) Subject to the provisions of paragraph (2), the qualifications for naturalisation of an alien who applies therefor and either of whose parents is a person of negro African descent are—”;

(c) by the addition thereto of the following new Schedule—

“ THIRD SCHEDULE

(Section 8(3))

Subject to the provisions of section 8 the qualifications for naturalization of any person who applies therefor, and neither of whose parents is a person of negro African descent, are as follows:—

(a) that immediately preceding the date of the application he has either—

(i) resided in Sierra Leone for a continuous period of 15 years, or

(ii) resided in Sierra Leone continuously for a period of 12 months and during the 20 years immediately preceding the period of 12 months he has resided in Sierra Leone for periods amounting in the aggregate to not less than 15 years;

(b) that he has an adequate knowledge of a language indigenous to and in current use in Sierra Leone;

- (c) that he is of good character;
- (d) that he is a person who has made or who is capable of making useful and substantial contribution to the advancement, progress and well-being of Sierra Leone;
- (e) that, if according to the law of the country of which he is a citizen or national he is capable of renouncing the citizenship or nationality of that country, he has renounced the citizenship or nationality, and any claim to the protection of any other country;
- (f) that he has shown a clear intention of his desire, if naturalised, to continue to reside permanently in Sierra Leone;
- (g) that he has paid such fees as may be prescribed;
- (h) that he has made such further declaration as may be prescribed."

Passed in Parliament this 10th day of August in the year of our Lord one thousand nine hundred and seventy-six.

M. MUNU,
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.

M. MUNU,
Clerk of Parliament.