

# Independence Constitution of Sierra Leone

## CHAPTER I

### CITIZENSHIP

1—(1) Every person who, having been born in the former Colony or Protectorate of Sierra Leone, was on the twenty-sixth day of April, 1961, a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Sierra Leone on the twenty-seventh day of April, 1961;

Provided that a person shall not become a citizen of Sierra Leone by virtue of this subsection if neither of his parents nor any of his grandparents was born in the former Colony or Protectorate of Sierra Leone.

(2) Every person who, having been born outside the former Colony and Protectorate of Sierra Leone, was on the twenty-sixth day of April, 1961, a citizen of the United Kingdom and Colonies or a British protected person shall, if his father becomes or would but for his death have become a citizen of Sierra Leone in accordance with the provisions of subsection (1) of this section, become a citizen of Sierra Leone on the twenty-seventh day of April, 1961.

2—(1) Any person who, but for the proviso to subsection (1) of section 1 of this Constitution, would be a citizen of Sierra Leone by virtue of that subsection shall be entitled, upon making application before the twenty-seventh day of April, 1963, in such manner as may be prescribed, to be registered as a citizen of Sierra Leone:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not make an application under this subsection himself but an application may be made on his behalf by his parent or guardian.

(2) Any woman who on the twenty-sixth day of April, 1961, was a citizen of the United Kingdom and Colonies or a British protected person and who is or has been married to a person—

(a) who becomes a citizen of Sierra Leone by virtue of section 1 of this Constitution;

or

(b) who, having died before the twenty-seventh day of April 1961, would, but for his death, have become a citizen of Sierra Leone by virtue of that section,

shall be entitled, upon making application in such manner as may be prescribed, to be registered as a citizen of Sierra Leone.

(3) Any woman who is or has been married to a person who becomes a citizen of Sierra Leone by registration under subsection (1) of this section and is at the date of such registration a citizen of the United Kingdom and Colonies or a British protected person shall be entitled, upon making application within such time and in such manner as may be prescribed, to be registered as a citizen of Sierra Leone.

(4) Any woman who on the twenty-sixth day of April, 1961, was a citizen of the United Kingdom and Colonies or a British protected person and who has been married to a person who becomes, or would but for his death have become, entitled to be registered as a citizen of Sierra Leone under subsection (1) of this section, but whose marriage has been terminated by death or dissolution of marriage, shall be entitled, upon making application before the twenty-seventh day of April, 1963, in such manner as may be prescribed, to be registered as a citizen of Sierra Leone.

(5) The provisions of subsections (2), (3) and (4) of this section shall be without prejudice to the provisions of section 1 of this Constitution.

(6) Notwithstanding anything contained in this section, a person who has attained the age of twenty-one years or who is a woman who is or has been married shall not, if he is a citizen of some country other than Sierra Leone, be entitled to be registered as a citizen of Sierra Leone under the provisions of this section unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence or employment as may be prescribed:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

**3.—(1)** Any person who on the twenty-sixth day of April 1961, was a citizen of the United Kingdom and Colonies—

- (a) having become such a citizen under the British Nationality Act, 1948, by virtue of his having been naturalized in the former Colony or Protectorate of Sierra Leone as British subject before that Act came into force; or
- (b) having become such a citizen by virtue of his having been naturalized or registered in the former Colony or Protectorate of Sierra Leone under that Act,

shall be entitled, upon making application before the twenty-seventh day of April 1963, in such manner as may be prescribed, to be registered as a citizen of Sierra Leone:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not make an application under this subsection himself but an application may be made on his behalf by his parent or guardian.

(2) Notwithstanding anything contained in subsection (1) of this section, a person who has attained the age of twenty-one years or who is a woman who is or has been married shall not, if he is a citizen of some country other than Sierra Leone, be entitled to be registered as a citizen of Sierra Leone under the provisions of that subsection unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence or employment as may be prescribed:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

**4.** Every person born in Sierra Leone after the twenty-sixth day of April, 1961, shall become a citizen of Sierra Leone at the date of his birth:

Provided that a person shall not become a citizen of Sierra Leone 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 by the enemy.

**5.** A person born outside Sierra Leone after the twenty-sixth day of April, 1961, shall become a citizen of Sierra Leone at the date of his birth if at that date his father is a citizen of Sierra Leone otherwise than by virtue of this section or subsection (2) of section 1 of this Constitution.

**6.—(1)** Any person who, upon his attainment of the age of twenty-one years, was a citizen of Sierra Leone and also a citizen of some country other than Sierra Leone shall cease to be a citizen of Sierra Leone upon his attainment of the age of twenty-two years (or, in the case of a person of unsound mind, at such later date as may be prescribed) unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen of Sierra Leone by virtue of subsection (2) of section 1 of this Constitution, has made and registered such declaration of his intentions concerning residence or employment as may be prescribed:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

- (2) A person who—
- has attained the age of twenty-one years before the twenty-seventh day of April, 1961; and
  - becomes a citizen of Sierra Leone on that day by virtue of the provisions of section 1 of this Constitution; and
  - is immediately after that date also a citizen of some country other than Sierra Leone,

shall cease to be a citizen of Sierra Leone on the twenty-sixth day of April, 1962 (or, in the case of a person of unsound mind, at such later date as may be prescribed) unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen of Sierra Leone by virtue of subsection (2) of section 1 of this Constitution, made and registered such declaration of his intentions concerning residence or employment as may be prescribed:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed.

7.—(1) Every person who under this Constitution or any Act of Parliament is a citizen of Sierra Leone or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

(2) Every person who is a British subject without citizenship under the British Nationality Act, 1948, or who continues to be a British subject under section 2 of that Act shall by virtue of that status have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana, the Federation of Malaya, the Federation of Nigeria, the Republic of Cyprus and the State of Singapore.

8.—(1) A Commonwealth citizen who is not a citizen of Sierra Leone, or a citizen of the Republic of Ireland who is not a citizen of Sierra Leone, shall not be guilty of an offence against any law in force in Sierra Leone by reason of anything done or omitted in any part of the Commonwealth other than Sierra Leone or in the Republic of Ireland or in any foreign country unless—

- the act or omission would be an offence if he were an alien; and
- in the case of an act or omission in any part of the Commonwealth or in the Republic of Ireland, it would be an offence if the country in which the act was done or the omission made were a foreign country.

(2) In this section 'foreign country' means a country (other than the Republic of Ireland) that is not part of the Commonwealth.

9. Parliament may make provision—

- for the acquisition of citizenship of Sierra Leone by persons who do not become citizens of Sierra Leone by virtue of the provisions of this Chapter;
- for depriving of his citizenship of Sierra Leone any person who is a citizen of Sierra Leone otherwise than by virtue of subsection (1) of section 1 or section 4 of this Constitution; or
- for the renunciation by any person of his citizenship of Sierra Leone.

10.—(1) In this Chapter—  
'alien' means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

'British protected person' means a person who is a British protected person for the purposes of the British Nationality Act, 1948;

'prescribed' means by or under any Act of Parliament.

(2) For the purpose of this Chapter, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Chapter to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death; and where that death occurred before the twenty-seventh day of April, 1961, and the birth occurred after the twenty-sixth day of April, 1961, the national status that the father would have had if he had died on the twenty-seventh day of April, 1961, shall be deemed to be his national status at the time of his death.