Constitutional and Administrative Law: Master Study Note

A comprehensive course note covering the full constitutional and administrative law syllabus.

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Faculty of Law Department of Human Rights, Constitutionalism and Criminal Justice CONSTITUTIONAL AND ADMINISTRATIVE LAW MASTER STUDY NOTE A comprehensive course note covering the full syllabus: foundations, fundamental rights, administrative law, judicial review, comparative public law, governance, special topics, and research methods, with verified authorities, case explanations and revision aids. Academic Year 2026 to 2027 before reliance in litigation or formal academic submission.

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The method of the note is deliberate. First, every principle is explained in plain language before it is dressed in legal vocabulary: if a twelve year old could not follow the first sentence of an explanation, the explanation has been rewritten.
Second, every major case is told as a story: facts, issues, decision, principle, and why it matters in Freetown, followed by a memory hook to fix the name and the holding in the mind. Third, every chapter closes with two boxes: a Summary, which restates the chapter in a handful of lines, and a Recall Outline, a skeletal list of triggers to be expanded from memory as self-testing. Fourth, every Part closes with a Further Research section pointing to the books and articles, including those of the course tutor, with which a postgraduate candidate should deepen the topic, and a Master Recall covering the whole Part.
A word on honesty. In preparing this note the compiler checked the section numbers and case references that circulated in class materials against the constitutional text and public databases. A small number required correction, and the corrections are made silently in the body but collected openly in the Note on Verification and Corrections near the end. The two most important are these: the vesting of executive power in the President is section 53, not section 56; and the Supreme Court's exclusive original jurisdiction in constitutional interpretation is section 124, not section 111. Getting these numbers right in an examination signals mastery; getting them wrong signals copying.

SUMMARY

- Sources: syllabus; lecture materials; verified constitutional and statutory texts; Commonwealth and African case law and scholarship.
- Method: plain-language first; cases as stories with memory hooks; Summary and Recall boxes per chapter; Further Research and Master Recall per Part.
- Key corrections: executive power is s 53 (not s 56); Supreme Court original constitutional jurisdiction is s 124 (not s 111); vacation of seats (cross-carpeting) is s 77.

PART I: CORE FOUNDATIONS OF CONSTITUTIONAL LAW

1. WHAT A CONSTITUTION IS: NATURE, SOURCES AND EVOLUTION

Start with the simplest picture. A country is like a very large team, and a constitution is the rulebook that says who is captain, who picks the players, who referees, and what no one, not even the captain, is allowed to do. In legal language, a constitution is the body of rules, written or unwritten, that establishes the organs of the state, distributes power among them, and defines the relationship between the state and the individual. The Constitution of Sierra Leone 1991 does all three: it creates the Presidency, Parliament and the Judiciary; it shares power among them; and in Chapter III it promises every person a set of fundamental rights that the state must respect. 1.1 Two Rival Answers to the Question: Where Does Law Come From?
Natural law is the theory that law is grounded in moral principles which exist before and above any government: principles derived from nature, reason or divine authority. Its key idea, associated with thinkers from Aquinas to

Locke, is that an unjust law is not truly law at all. Natural law matters to a constitutional lawyer because it supplies the moral foundation of fundamental rights: the idea that people have rights simply because they are human, which the constitution recognises rather than creates. The Universal Declaration of Human Rights of 1948 is drafted in this register: rights are declared, not invented.

Positive law is the rival theory: law is whatever has been validly enacted by a recognised authority, whatever its moral quality. Austin described laws as commands of a sovereign; Kelsen built a hierarchy of norms resting on a basic norm; Hart explained legal validity through a rule of recognition. The 1991 Constitution is, in this sense, positive law: it is valid because it was formally adopted, approved at referendum, and enacted as Act No 6 of 1991. The two theories are not enemies in practice. The Constitution is positive law in its form and natural law in much of its content: Chapter III writes moral entitlements into enforceable text. When the Supreme Court interprets Chapter III generously, it is reading positive law through natural law spectacles.

1.2 THE EVOLUTION OF THE SIERRA LEONEAN CONSTITUTION

Sierra Leone has lived under a succession of constitutional orders: the Independence Constitution of 1961, which retained the Queen as Head of State; the Republican Constitution of 1971, which created an executive President; the one-party Constitution of 1978, under which the All People's Congress became the sole lawful party; and the 1991 Constitution, which restored multi-party democracy on the eve of the civil war. The Truth and Reconciliation Commission, whose report the course tutor directs every student to read, concluded that constitutional failure was among the causes of the war: the concentration of power in the executive, the emasculation of Parliament and the courts, and the one-party state all helped make conflict possible. The lecturer's aphorism, that our constitution is our problem, is a compressed version of that finding.

Reform has been repeatedly attempted and repeatedly stalled. A Constitutional Review Committee reported in 2017 with far-reaching recommendations; the Government's White Paper of November 2017 rejected most of them, a decision Amnesty International described as a missed opportunity for human rights. Students should contrast Kenya, which replaced its independence-era constitution wholesale in 2010, and Ghana, which has conducted comprehensive review exercises, with Sierra Leone, where the 1991 text remains substantially intact. The comparison returns in Part V.

SUMMARY

- A constitution establishes state organs, distributes power, and defines state-citizen relations.
- Natural law: law rests on morality; unjust law is not law; foundation of human rights (UDHR).
- Positive law: law is valid because validly enacted (Austin, Kelsen, Hart); the 1991 Constitution is positive law with natural law content.
- SL evolution: 1961 independence; 1971 republic; 1978 one-party; 1991 multi-party restoration.
- TRC: constitutional failure contributed to the war; review attempts (CRC 2017; White Paper) have largely stalled.

3. CONSTITUTIONAL SUPREMACY AND THE RULE OF LAW

3.1 SECTION 171(15): THE SUPREMACY CLAUSE

Section 171(15) provides that the Constitution is the supreme law of Sierra Leone, and that any other law inconsistent with it is void to the extent of the inconsistency. Three consequences follow. (a) Hierarchy: every legal norm in the country, from Acts of Parliament to bye-laws to executive orders, ranks below the Constitution and draws validity from it. (b) Severability: the phrase "to the extent of the inconsistency" means courts amputate only the offending portion of a statute and preserve the rest, a doctrine of judicial restraint built into

the clause itself. (c) Judicial review: someone must decide when inconsistency exists, and that someone is the Supreme Court under s 124, which gives the supremacy clause its teeth. A supremacy clause without a court is a padlock without a key.

3.2 THE RULE OF LAW

The rule of law, in one sentence, means the government must play by the rules it is bound by, and everyone, powerful or weak, answers to the same law before independent courts. The idea is ancient: Aristotle preferred the rule of laws to the rule of men, and Magna Carta 1215 first extracted the promise that the Crown itself is under the law. Dicey gave the classic modern formulation in three limbs: no punishment except for breach of law established in ordinary courts; equality before the law; and the constitution as the result of the ordinary law of the land. Lord Bingham modernised the doctrine into eight sub-rules, including accessibility of law, equality, the lawful exercise of power, protection of fundamental rights, and access to justice. Case Study: Entick v Carrington (1765)
Facts. The King's Secretary of State issued a warrant to break into the house of John Entick, a writer suspected of seditious publications, and seize his papers. The King's messengers did exactly that. Entick sued them in trespass. Issue. Could the government defend the raid by saying that state necessity, or the Secretary of State's own authority, justified it? Decision. No. Lord Camden CJ held the warrant illegal: if the state cannot point to a specific law authorising an invasion of person or property, the invasion is unlawful, however important the government thinks its purpose.
Principle. Government may do only what law permits; the citizen may do anything law does not forbid. Why it matters in Sierra Leone. The case travels through the common law received into Sierra Leone and animates s 22 (privacy of home and property): a police search without legal authority is a trespass, and "orders from above" are no defence.

SUMMARY

- s 171(15): supremacy; inconsistent law void to the extent of inconsistency; implies hierarchy, severability and judicial review (s 124).
- Rule of law: government under law; equality before law; independent courts. Dicey three limbs; Bingham eight sub-rules.
- Entick v Carrington: state action needs positive legal authority; foundation of legality and of s 22 privacy.

CASE STUDY: LIYANAGE V THE QUEEN AC 259 (PC)

Facts. On 27 January 1962 a group of senior army and police officers in Ceylon (now Sri Lanka) attempted a coup. It failed, and they were arrested. Parliament, anxious to guarantee convictions, then passed extraordinary legislation aimed at these very defendants: it created offences retroactively, altered the rules of evidence for their trials, provided for trial by judges nominated in a special way, and fixed minimum sentences for them. Issues. Could a legislature pass laws aimed at securing the conviction of identified individuals in pending trials? Did the Ceylon Constitution, which contained no express separation of powers clause, nonetheless forbid this? Decision. The Privy Council, through Lord Pearce, held the legislation unconstitutional and void. The Constitution, read as a whole, impliedly vested judicial power exclusively in the courts; the impugned Acts were a legislative usurpation of that judicial power: a "grave and deliberate incursion into the judicial sphere".
Principles. (a) Separation of powers can be implied from constitutional structure. (b) Parliament cannot exercise judicial power. (c) Legislation targeting identified individuals to procure their conviction, retroactive criminal laws and interference with pending trials are constitutionally impermissible. Why it matters in Sierra Leone. Sierra Leone's constitution likewise contains no single separation clause; Liyanage supplies the argument that the structure of Chapters V, VI and VII does the work, and it stands as authority against any Parliament tempted

to legislate against named political opponents.

CASE STUDY: TUFFUOR V ATTORNEY-GENERAL GLR 637 (GHANA)

Facts. Ghana's 1979 Constitution provided that the sitting Chief Justice would continue in office. Mr Justice Apaloo was Chief Justice when the Constitution came into force. The new government took the view that he nonetheless needed fresh parliamentary vetting and appointment; Parliament purported to reject him, effectively removing him by a procedural device. Tuffuor, a citizen, sued. Issues. Did the Constitution automatically continue the Chief Justice in office? Could a purported fresh vetting be used to unseat him? Decision. The Court of Appeal, sitting as the Supreme Court, held through Sowah JA that the Chief Justice continued in office by force of the Constitution itself; the parliamentary vetting was a nullity. The judgment contains the celebrated description of a constitution as a living organism capable of growth and development, to be interpreted broadly and purposively rather than like a tax statute. Principles. (a) Constitutional supremacy: acts inconsistent with the Constitution are void. (b) Security of judicial tenure: the judiciary cannot be manipulated through technical reappointments; form cannot be used to defeat substance. (c) Purposive, generous interpretation of constitutions. Why it matters in Sierra Leone. Tuffuor is cited across the Commonwealth, including in Sierra Leone, for both judicial independence and the living-organism approach to interpretation; it is the standard authority whenever an executive tries to reset a judge's tenure by procedural tricks.

SUMMARY

- Separation of powers: three functions in three hands; Aristotle, Locke, Montesquieu.
- SL anchors: Parliament ss 73/106; President ss 40/53; Judiciary s 120. Doctrine implied from structure.
- Not absolute: division of powers plus checks and balances; chief danger is executive dominance.
- Liyanage: implied separation; legislature cannot judge; no targeted retroactive criminal laws.
- Tuffuor: tenure cannot be defeated by technical reappointment; constitution = living organism.

CASE STUDY: MARBURY V MADISON 5 US (1 CRANCH) 137 (1803)

Facts. In the dying hours of his presidency, John Adams appointed dozens of justices of the peace, including William Marbury. The commissions were signed and sealed but some, Marbury's among them, were never delivered. The incoming Jefferson administration, through Secretary of State James Madison, refused to deliver them. Marbury sued directly in the Supreme Court, relying on a statute that gave the Court original jurisdiction to issue mandamus. Issues. Was Marbury entitled to his commission? Could the Supreme Court order Madison to deliver it? And, decisively, could the Court apply a statute that conflicted with the Constitution? Decision. Chief Justice Marshall held that Marbury had a right to the commission, but that the statutory grant of original mandamus jurisdiction exceeded what the Constitution allowed; faced with a conflict, the Court must apply the Constitution and treat the statute as void. "It is emphatically the province and duty of the judicial department to say what the law is." Principle. Judicial review of legislation flows logically from constitutional supremacy even where the text nowhere grants it expressly. Why it matters in Sierra Leone. Sierra Leone did not need to imply the power: ss 124 and 171(15) confer expressly what Marshall had to construct. But Marbury remains the theoretical foundation every examiner expects, and its logic explains why supremacy clauses and judicial review always travel together.

SUMMARY

- Review asks lawful, not right; appeal asks right.
- Two tracks in SL: constitutional review (Supreme Court, s 124; referrals s 127) and administrative review (High Court, s 134).

- Justiciability: is the question fit for courts? Standing: traditional personal-interest rule (Gouriet) vs modern expansion (India PIL; SA s 38; Kenya).
- Marbury: judicial review deduced from supremacy; SL confers it expressly.

SUMMARY

- Constituent vs constituted power; amendment lets the latter borrow the former under conditions.
- s 108 two tiers: ordinary = two-thirds of Parliament; entrenched = two-thirds plus referendum.
- Kesavananda: amending power cannot destroy the basic structure; migrated across the Commonwealth.
- Conventions: binding in politics, unenforceable in court (Miller on Sewel).

SUMMARY

- Schools: originalism; living constitution; purposive; structural.
- Commonwealth Africa: generous and purposive, especially for rights (Tuffuor; Rabiu).
- Canons: whole-text reading; avoidance; no surplusage; ejusdem generis; expressio unius; generalia specialibus.

SUMMARY

- s 29: presidential proclamation in defined situations; parliamentary control; limited derogation.
- Five design questions: declarer; approver; duration; non-derogable rights; oversight.

9. FURTHER RESEARCH FOR PART I; MASTER RECALL

Primary texts. Read the 1991 Constitution itself, at least Chapters III, V, VI and VII, with ss 53, 73, 106, 108, 120, 124, 127, 134 and 171(15) marked; then the TRC, Witness to Truth (2004), especially the volume the tutor assigns on governance and the causes of the conflict, and the Constitutional Review Committee Report (2017) with the Government White Paper response.
Scholarship. Montesquieu and Locke in extract; Dicey, Introduction to the Study of the Law of the Constitution; Bingham, The Rule of Law; Hilaire Barnett, Constitutional and Administrative Law (Routledge, latest edition) for structure; Jacobsohn, Constitutional Identity; Roznai, Unconstitutional Constitutional Amendments; Charles Fombad (ed), Separation of Powers in African Constitutionalism (OUP 2016) for the African comparative frame. On Sierra Leone specifically, the course tutor’s books connect these foundations to governance practice: Emmanuel Saffa Abdulai, Freedom of Information Law and Good Governance: The Curse of Corruption in Sierra Leone
(2021) and The Diverse Facets of Corruption in Sierra Leone (2024).

SUMMARY

- Fundamental rights: basic, supreme, binding on all organs, entrenched, justiciable.
- Three foundations: natural law (recognised, not created); positivism (enacted); social contract (terms of legitimacy).

SUMMARY

- Catalogue: s 15 umbrella; ss 16-27 substantive; s 28 enforcement; s 29 emergency; s 30 interpretation.
- Most rights qualified by internal limitation clauses; s 20 (torture) absolute.
- Two-tier design: Ch III justiciable civil-political rights; Ch II non-justiciable directive principles (s 14).

CASE STUDY: S V MAKWANYANE 1995 (3) SA 391 (CC)

Facts. Two men were sentenced to death for murder under South African law. The new interim Constitution of 1993 guaranteed the rights to life and dignity and prohibited cruel, inhuman or degrading punishment, but said nothing express about capital punishment. The Constitutional Court, in its very first great case, had to decide whether the death penalty survived. Issue. Is capital punishment consistent with the rights to life and dignity and the prohibition of cruel punishment, given the limitation clause? Decision. A unanimous Court struck the death penalty down. Chaskalson P applied limitation analysis proportionately: the state's aims, deterrence and retribution, were legitimate, but the evidence that execution deters better than long imprisonment was unproven, and the ultimate, irreversible destruction of life and dignity could not be a proportionate means. Famously, the Court refused to follow public opinion, which favoured hanging: constitutional rights exist precisely to protect the unpopular, and the Court answers to the Constitution, not the crowd. Principles. (a) Proportionality as the grammar of limitation. (b) Counter-majoritarian role of constitutional courts. (c) Dignity as the organising value of a rights order. Why it matters in Sierra Leone. Sierra Leone abolished the death penalty by statute in 2021; Makwanyane supplies the constitutional reasoning that would resist any attempt to bring it back, and it is the standard citation for proportionality review and for judicial courage against popular pressure.

SUMMARY

- Proportionality: legitimate aim; rational connection; least restrictive means; fair balance (Oakes; Barak).
- SL clauses say "reasonably required in a democratic society"; read through proportionality.
- Makwanyane: death penalty unconstitutional; dignity central; public opinion not decisive.

SUMMARY

- Negative = refrain; positive = provide. Objection: budgets; answer: all rights cost money.
- Models: India (directive principles read into life); SA (justiciable, progressive realisation, Grootboom reasonableness); SL/Nigeria (two-tier, non-justiciable).
- ECOWAS side door: SERAP makes Charter socio-economic rights justiciable regionally.

SUMMARY

- Rights + Remedies = Real Protection.
- s 28: Supreme Court forum; preventive ("likely to be"); wide remedial discretion.
- Writs: habeas corpus, certiorari, mandamus, prohibition, quo warranto; plus declaration, injunction, damages.
- PIL: India relaxed standing (epistolary); SA s 38; Kenya arts 22/258; SL practice expanding by purposive argument.

SUMMARY

- s 27: grounds-based non-discrimination with exceptions.
- Formal vs substantive equality; ameliorative measures (GEWE Act 2022 quota; SA s 9(2)).
- De jure vs de facto rights; bridges: legal aid, PIL, affirmative action.

CASE STUDY: MANEKA GANDHI V UNION OF INDIA (1978)

Facts. The Indian government impounded the passport of journalist Maneka Gandhi "in the public interest", giving no reasons and no hearing. She challenged the seizure under art 21 of the Indian Constitution, which

protects life and personal liberty against deprivation "except according to procedure established by law". Issue. Is any procedure enacted by law enough, however arbitrary, or must the procedure itself be fair, just and reasonable? Decision. A seven-judge Supreme Court bench held that "procedure established by law" means fair, just and reasonable procedure, not any procedure Parliament chooses; arbitrary, oppressive procedure violates art 21 read with the equality and freedom articles, which interlock rather than stand in silos.
Principles. (a) Procedural due process is implicit in liberty. (b) Fundamental rights are read together, each reinforcing the others. (c) Administrative action affecting rights demands natural justice, the bridge into administrative law. Why it matters in Sierra Leone. It shows how a court can convert a thin textual guarantee into a thick shield, a model for reading ss 17 and 23 generously, and it connects constitutional rights to the fair-hearing doctrines of Part III.

SIERRA LEONE'S LIVE CONTROVERSIES (2026): READING CURRENT EVENTS CONSTITUTIONALLY

The lecture materials mention two names every student now knows: Lansana Dumbuya and Zainab Sheriff. Handle them with care in examinations: as at mid-2026 these are ongoing or recently concluded first-instance proceedings, not settled constitutional precedents, and any statement of their "holdings" would be premature. What is verifiable is this. Dumbuya, Secretary-General of the opposition APC, was charged in February 2026 under the Public Order Act 1965 with incitement and insulting conduct arising from remarks at a party meeting; a magistrate initially refused bail and remanded him to the Pademba Road Male Correctional Centre before bail was later granted, and the Lawyers' Society warned that prosecuting political speech risks undermining constitutional freedoms. Zainab Sheriff, an activist, was convicted in April 2026 under the same Act on counts of incitement and threatening language over rally remarks and sentenced to four years, a sentence the Lawyers' Society publicly criticised as excessive and civil society debated as a free-expression and proportionality problem.
The constitutional questions these cases put on the table are classic Chapter III material: whether s 12 of the Public Order Act 1965, a colonial-era speech offence surviving the 2020 repeal of criminal libel, is "reasonably required in a democratic society" under s 25; whether pre-trial detention for speech offences respects ss 17 and 23; whether sentencing for words satisfies proportionality; and whether enforcement is even-handed across the political divide, an s 27 and rule-of-law question. A first-class answer states the law, applies the proportionality grammar of Chapter 12, and refrains from asserting outcomes the courts have not yet reached. SUMMARY - Ransome-Kuti: rights antecedent to political society (Eso JSC); natural law in judicial form.
- Maneka Gandhi: procedure must be fair, just, reasonable; rights interlock; due process bridges into administrative law.
- Dumbuya and Sheriff (2026): live Public Order Act prosecutions raising s 25 expression, s 17/23 detention and fair trial, proportionality and even-handedness; cite as current controversies, not precedents.

SUMMARY

- Administrative law = control of governmental power (Wade); rule of law retail.
- Sources: Constitution (ss 23, 134), enabling statutes, received common law, case law.
- Controls: internal (hierarchy, audit) and external (Parliament, Ombudsman, ACC, courts).

SUMMARY

- Delegated legislation: frame in the Act, detail in instruments; gains speed and expertise, risks scrutiny deficit.
- Ultra vires: substantive (outside power, improper purpose, wrong considerations) and procedural (mandatory steps skipped).
- Non-delegation: no sub-delegation without authority; no abdication; constitution as outer limit.

SUMMARY

- Discretion = lawful choice; controls: right holder, no fettering, proper purpose, relevant considerations, rationality.
- Reasons and records make accountability real.

CASE STUDY: ASSOCIATED PROVINCIAL PICTURE HOUSES LTD V WEDNESBURY CORPORATION 1 KB 223 (CA)

Facts. A statute let local authorities licence Sunday cinema openings "subject to such conditions as the authority think fit". Wednesbury Corporation licensed the cinema but imposed the condition that no child under fifteen be admitted on Sundays. The cinema argued the condition was unreasonable and beyond the power. Decision. The Court of Appeal upheld the condition, and Lord Greene MR stated the enduring standard: a court cannot quash merely because it disagrees; it may interfere only if the authority took into account what it should not, ignored what it should, or reached a conclusion so unreasonable that no reasonable authority could ever have come to it. Principle. Review is not appeal: the merits belong to the authority, the boundaries to the court, and only decisions outside the range of reasonable responses fall. Why it matters. "Wednesbury unreasonableness" is the vocabulary of irrationality across the Commonwealth, including Sierra Leone; proportionality offers a more structured, intense scrutiny where rights are at stake, and the relationship between the two standards is a favourite essay question.

SUMMARY

- GCHQ: prerogative reviewable (subject-matter test); legitimate expectation from practice; national security prevailed on facts.
- Diplock trilogy: illegality, irrationality, procedural impropriety; proportionality emerging fourth.
- Wednesbury: interfere only when no reasonable authority could so decide; review is not appeal.

CASE STUDY: RIDGE V BALDWIN AC 40 (HL)

Facts. Charles Ridge, Chief Constable of Brighton, was prosecuted for conspiracy and acquitted, though the trial judge criticised his leadership. The police authority summarily dismissed him without notifying him of the charge against him or hearing him. Dismissal destroyed his pension rights. Issue. Did the authority owe him a hearing before dismissal, or was natural justice confined to bodies acting "judicially"?
Decision. The House of Lords held the dismissal void: the duty to act fairly attaches to administrative decisions affecting rights and livelihoods, not only to court-like proceedings. The old restriction of natural justice to "judicial" functions was swept away. Principle. Fair hearing is a general requirement of lawful administration; its content flexes with context (what fairness requires varies), but its existence does not.
Why it matters in Sierra Leone. It underwrites the fair-hearing dimension of s 23 in the administrative sphere: dismissals, licence revocations and disciplinary decisions without notice and hearing invite certiorari.

SUMMARY

- Nemo iudex: actual bias; automatic disqualification (Dimes; Pinochet); apparent bias (fair-minded observer, Porter v Magill).
- Audi alteram partem: notice plus opportunity to be heard.
- Ridge v Baldwin: natural justice applies to administrative action; content contextual.

CASE STUDY: R V NORTH AND EAST DEVON HEALTH AUTHORITY, EX P COUGHLAN QB 213 (CA)

Facts. Miss Coughlan, gravely disabled in a road accident, was moved by the health authority to Mardon House, a purpose-built NHS facility, on the express assurance that it would be her home for life. Years later the authority decided to close Mardon House and transfer her to local authority care. Issue. Could the authority resile from its clear promise? Decision. The Court of Appeal held the closure unlawful: the promise had generated a substantive legitimate expectation, and frustrating it, where the expectation was induced by a specific promise to a small class and reliance was profound, was so unfair as to amount to an abuse of power; the court itself weighs the fairness of departure in such cases, rather than deferring on Wednesbury terms. Principle. Clear promises to identifiable persons can bind public authorities substantively; abuse of power is the controlling concept. Why it matters in Sierra Leone. Government assurances, to investors, to communities affected by projects, to public servants, are enforceable in principle; the doctrine disciplines the gap between official word and official deed that anti-corruption scholarship, including the tutor’s, identifies as corrosive of trust.

SUMMARY

- Expectation from promise or practice; must be clear, unambiguous, unqualified.
- Procedural (GCHQ) vs substantive (Coughlan); departure controlled by fairness/abuse of power.

SUMMARY

- Ouster clauses try to exclude review; Anisminic construes them against immunity for unlawful decisions.
- Error of law = nullity = no "determination" = ouster bites on nothing.
- SL: constitutional supremacy adds invalidity argument to restrictive construction.

SUMMARY

- Remedies via s 134: quash, compel, restrain, declare, enjoin, compensate; review vs statutory appeal.
- Tribunals: specialist, quick, supervised; Ombudsman (s 146; 1997 Act): maladministration, persuasive remedies; ACC: prosecutes corruption independently.

SUMMARY

- Counter-majoritarian difficulty (Bickel).
- Four answers: legalist (Marbury); rights-protection (Makwanyane); process (Ely); sceptical (Waldron).
- Localise: post-conflict SL strengthens the rights rationale, conditional on real independence.

SUMMARY

- Restrictive tradition (Gouriet) vs PIL revolution (SP Gupta) vs constitutionalised broad standing (SA s 38; Kenya arts 22/258).
- SL: narrower text (ss 24/28) but purposive expansion in practice.
- Justiciability filters: political question, ripeness, mootness.

SUMMARY

- Diffuse (US) vs concentrated (Kelsen/Germany) vs hybrid.

- SL: hybrid tilted concentrated: SC monopoly on constitutional questions (ss 124/127/28); HC supervises administration (s 134).
- Trade-off: doctrinal coherence vs accessibility.

SUMMARY

- Three freedoms (executive, legislative, political); s 120.
- Four safeguards: tenure; finance; appointment; removal, appointment overlap accepted if rule-bound.
- Accountability complements independence; threats: pressure, dominance, enforcement failure.
- Ghana/Torkornoo (2025-26): art 146 removal; ECOWAS dismissed her claims (June 2026); process vs abuse question; regional forum trend.

SUMMARY

- Facts: expulsion from APC; removal by President (17 March 2015); replacement appointed.
- SC (9 Sept 2015): removal valid; party membership a continuing qualification; implied power via s 40 guardianship.
- Critique: express procedures exhaustive; executive has only conferred powers.
- ECOWAS (2017): removal violated his rights; unenforced: law in books vs law in action.
- Bangura: unverified; use verified authorities instead.

SUMMARY

- Activism vs restraint: postures, exemplars; discipline = competence + legitimacy.
- Remedies: declaration + severance; suspended declaration; injunction/mandamus; damages; structural orders.

34. THE COMPARATIVE METHOD AND LEGAL FAMILIES

The first rule of comparison is the lecture's own: the comparator must have similarity. Comparing Sierra Leone's judicial review with Germany's teaches little unless the institutional contexts are held honestly in view; comparing with Ghana, Nigeria, Kenya and South Africa, common law African states with supreme constitutions and post-authoritarian histories, teaches much. Methodologists distinguish functionalism (compare how different systems solve the same problem), contextualism (rules only make sense inside their history and politics) and the study of legal transplants (rules migrate, but may mutate on arrival).
The world's systems sort into families. Common law systems (England, Nigeria, Ghana, Sierra Leone) reason from judicial precedent under stare decisis, with adversarial procedure. Civil law systems (France, Germany, their African successors) reason from codes and doctrine, with inquisitorial procedure and, typically, concentrated constitutional courts. Mixed systems blend sources: South Africa (common law, Roman-Dutch civil law and indigenous African law) and Botswana are the lecture's examples, and Sierra Leone is itself mixed in a different sense, formal law running alongside recognised customary law and local courts.

CASE STUDY: ALEXKOR LTD V RICHTERSVELD COMMUNITY 2004 (5) SA 460 (CC)

Facts. The Richtersveld community, an indigenous people of the Northern Cape, was dispossessed of diamond-rich ancestral land in the 1920s once diamonds were found; the land ended with Alexkor, a state mining company. Under the Restitution of Land Rights Act, restitution turned on whether the community held rights in the land in 1913 and was dispossessed by racially discriminatory law or practice. Issue. Did the community hold rights in land under its own indigenous law, and how should a modern court find and apply that

law? Decision. The Constitutional Court held that the community owned the land, minerals included, under indigenous law, and stated the principle for which the case is cited across Africa: indigenous law is an independent and original source of law, living, evolving and to be ascertained on its own terms, not through the distorting lens of common law categories, and valid subject only to the Constitution. Why it matters in Sierra Leone. It dignifies customary law's place in a mixed system: customary tenure and institutions are law, not anthropology, and constitutional supremacy, not common law condescension, is their only master, a principle with direct purchase on provincial land law and the Customary Land Rights Act 2022.

SUMMARY

- Rule one: comparators must be similar; methods: functionalism, contextualism, transplants.
- Families: common law (precedent, adversarial); civil law (codes, inquisitorial); mixed (SA, Botswana; SL formal + customary).
- Alexkor: indigenous law an independent, original source, subject only to the Constitution.

35. THEME ONE: CONSTITUTIONAL DESIGN: FEDERALISM, UNITARY STATES, DECENTRALISATION

Federal design entrenches two orders of government, each with constitutionally protected powers: a written constitution, an umpire court and (usually) a bicameral legislature whose upper house represents the units. Nigeria is the region's laboratory: exclusive, concurrent and residual legislative lists distribute power, and the Supreme Court referees. Two lines of authority matter. On fiscal federalism, the Court has policed the vertical flow of money: in the Abia State litigation over the Monitoring of Revenue Allocation to Local Governments Act, it curbed federal attempts to control state handling of local government allocations, and in Attorney-General of Lagos State v Attorney-General of the Federation it held the President's withholding of statutory allocations from Lagos local councils unconstitutional; and in July 2024 it completed the arc by ordering direct federal payment to local governments as constitutional entities entitled to financial autonomy. On regulatory federalism, Attorney-General of the Federation v Attorney-General of Lagos State (2013) upheld Lagos State's power to regulate hotels and tourism within its territory as residual matters, rebuffing federal monopoly claims.
Unitary design with decentralisation keeps sovereignty fused at the centre, then devolves administration by ordinary statute, revocable in principle. Sierra Leone is the type-case: local councils were re-established by the Local Government Act 2004 and the framework renewed by the Local Government Act 2022, with functions devolved by schedule; the councils are creatures of statute, not co-sovereigns. The United Kingdom shows a unitary state travelling: devolution statutes for Scotland, Wales and Northern Ireland created powerful legislatures, yet Westminster retains legal sovereignty, as Miller confirmed. Kenya, a unitary state with entrenched devolution, sits between the poles: its 2010 Constitution constitutionalises counties, and in Council of Governors litigation the courts have policed the boundary between national oversight and county autonomy, holding for example that senators' oversight of nationally allocated county revenue is constitutional while defending the counties' constitutional space.

CASE STUDY: R (MILLER) V SECRETARY OF STATE FOR EXITING THE EUROPEAN UNION UKSC 5

Facts. After the 2016 Brexit referendum, the UK Government proposed to trigger Article 50, beginning withdrawal from the EU, using prerogative power alone, without an Act of Parliament. Gina Miller challenged this. Issues. Can the executive use prerogative power to start a process that will strip statutory rights? Do the devolution conventions give Scotland, Wales and Northern Ireland a veto? Decision. The Supreme Court (8-3) held that only Parliament could authorise the trigger: prerogative cannot be used to nullify rights Parliament

created; Parliament has ultimate legislative authority. On devolution, the Sewel convention, that Westminster will not normally legislate on devolved matters without consent, is a real convention but not judicially enforceable:
no veto. Why it matters. It is the modern flagship of parliamentary sovereignty, of the limits of executive power, and of the law-convention divide, and it shows courts umpiring the deepest political controversy without deciding its merits. For Sierra Leone, replace prerogative with s 53 executive power and the lesson holds: the executive cannot, by unilateral act, undo what statute has conferred.

SUMMARY

- Federal: entrenched two-order government; Nigeria's lists and fiscal cases (Abia 2006; Lagos 2004; LG autonomy 2024; Lagos hotels 2013).
- Unitary + decentralisation: SL (LGA 2004 then 2022, statutory councils); UK devolution under sovereignty (Miller); Kenya entrenched devolution (Council of Governors).
- Miller: prerogative cannot defeat statute; Sewel convention non-justiciable.

CASE STUDY: A V SECRETARY OF STATE FOR THE HOME DEPARTMENT UKHL 56 (BELMARSH)

Facts. After 11 September 2001, the UK authorised indefinite detention without trial of foreign nationals suspected of terrorism who could not be deported, derogating from art 5 of the European Convention on the ground of a public emergency; suspects were held at Belmarsh prison. Citizens suspected of exactly the same conduct could not be so detained. Issues. Was there a qualifying emergency? Was indefinite detention of foreigners only a proportionate and non-discriminatory response? Decision. The House of Lords (8-1 on the main point) accepted that an emergency existed (deferring to the executive on that) but held the scheme disproportionate and discriminatory: it irrationally targeted foreign suspects while leaving equally dangerous citizens free, and detention without trial struck at liberty itself. The court issued a declaration of incompatibility; Parliament replaced the scheme. Lord Hoffmann, dissenting on the emergency question, wrote that the real threat to the life of the nation came not from terrorism but from laws such as these. Why it matters. It is the leading Commonwealth authority on emergency powers meeting proportionality and equality, and a working demonstration of the s 4 mechanism: the statute survived, and politics cured it.

SUMMARY

- Architectures: SA (full justiciability + openness); India (expansion by interpretation); Nigeria and SL (two-tier); UK (HRA ss 3-4, declaration of incompatibility).
- HRA is 1998 (commenced 2000): lecture dates corrected.
- Belmarsh: emergency conceded; indefinite foreigner-only detention disproportionate and discriminatory; s 4 declaration; Parliament responded.

SUMMARY

- Trilogy travels; intensity varies: UK (proportionality alongside Wednesbury); India (Maneka constitutionalises fairness); SA (s 33 + PAJA constitutionalise the grounds); SL (received trilogy via s 134).

SUMMARY

- Toolkit: ombudsman (SL s 146; SA Public Protector binding-unless-set-aside); anti-corruption agencies; specialist tribunals; legitimate expectation as standard-setting; e-governance.

CASE STUDY: NM AND OTHERS V SMITH AND OTHERS ZACC 6

Facts. A biography of politician Patricia de Lille, written by Charlene Smith, published the names and HIV-positive status of three women who had participated in clinical trials, without their consent. The women sued for invasion of privacy. Issue. Does publishing a person's HIV status without consent violate constitutional privacy and dignity, and how does it balance against press freedom? Decision. The Constitutional Court found for the women: HIV status lies at the intimate core of private life; its non-consensual disclosure violated privacy and dignity, and the free-expression interest could not justify naming them without consent; damages were awarded. Why it matters. It is Africa's leading medical-privacy case, and its logic scales directly to databases: if one book's disclosure wounds dignity, a leaking national health database wounds it at scale, which is why data protection statutes are constitutional rights infrastructure, not mere technical regulation.

SUMMARY

- Anchors: ss 22, 25, 27; benchmark: GDPR 2016.
- Nigeria DPA 2023 enacted; SL: Cybersecurity Act 2021 enacted, Data Protection Bill 2025 still a bill.
- NM v Smith: non-consensual HIV disclosure violates privacy and dignity; scales to databases.

CASE STUDY: SERAP V FEDERAL REPUBLIC OF NIGERIA (ECOWAS, 30 NOVEMBER 2010)

Facts. The Socio-Economic Rights and Accountability Project sued Nigeria and its Universal Basic Education Commission before the ECOWAS Court, alleging that massive corruption in basic-education funds denied Nigerian children the right to education. Nigeria objected that education is non-justiciable under its Chapter II directive principles and that SERAP lacked standing. Decision. The Court dismissed both objections and proceeded: the right to education in art 17 of the African Charter, which Nigeria ratified, is justiciable before the ECOWAS Court regardless of domestic non-justiciability, and public-interest standing is available in human rights suits (actio popularis). On the merits the Court recognised the right and directed that stolen education funds be covered while lacking proof against every named official. Why it matters in Sierra Leone. Sierra Leone is an ECOWAS member: the Charter's socio-economic guarantees are litigable in Abuja even though Chapter II is barred at home by s 14; SERAP is thus the practical answer to the justiciability wall, and, with Sam-Sumana and Torkornoo, evidence of a regional constitutionalism converging over the heads of national constitutions, limited always by the enforcement gap.

SUMMARY

- Convergence mechanisms: express invitation (SA s 39(1)); institutional borrowing (Chapter 9); doctrinal migration (proportionality, basic structure); supranational courts (ECOWAS).
- SERAP: education justiciable under the Charter at ECOWAS despite domestic bars; public-interest standing.
- Recurring caveat: regional judgments face national enforcement gaps.

SUMMARY

- Presidential executive: s 40 status; s 53 vesting; Cabinet advisory; Ministers departmental.
- Frames: qualification, two-term limit, removal procedures.
- Governance = channels of checking: approvals, review, audit, integrity bodies.

SUMMARY

- Oversight instruments: questions, debates, committees, PAC + Auditor-General, approvals (appointments, treaties s 40(4), budget), censure.
- s 76 disqualifications; s 77 vacation including cross-carpeting (corrected numbering).
- Weakness: party capture turns oversight into theatre.

SUMMARY

- Plumbing: Consolidated Fund; appropriation; parliamentary authorisation; charged expenditures; Auditor-General; PAC.
- Statutory layer: PFM Act 2016; pathology: audit findings without consequences.

SUMMARY

- Independent bodies referee elected power; four design variables: appointment, tenure, funding, reporting.
- SA Chapter 9 benchmark; SL equivalents mixed constitutional/statutory; ACC runs ethics tools.

SUMMARY

- RAI Act 2013: right + Commission + exemptions; tutor’s FOI scholarship on the implementation gap.
- ACC: 2008 Act, 2019 prosecutorial independence; recovery tools; selectivity critique.
- Transparency, information, prosecution: the accountability triangle.

SUMMARY

- Forum lattice: internal, Ombudsman, tribunals, HC (s 134), SC (ss 124/28), HRCSL.
- Regulators = Part III doctrines applied; litigation strategy = forum + remedy + enforcement realism.

SUMMARY

- Surveillance checklist: statutory basis, authorisation, necessity/proportionality, retention limits, oversight.
- Analysis order: legality, proportionality, remedies; s 28 route.

SUMMARY

- SL sequence: Lomé, TRC, Special Court, unfinished review; reform as conflict prevention.
- Theory: constitutionalism vs constitutions; constituent power limits; thick/thin rule of law.

SUMMARY

- Question not topic; three marks: researchable, significant, feasible.
- Methods: doctrinal, comparative (similarity rule), empirical (ethics: consent, anonymisation).
- Case selection justified in advance; beware cherry-picking.

SUMMARY

- Structure: question-thesis-roadmap; one claim per chapter; conclusion answers.
- Meet the best counter-argument; OSCOLA mechanics; integrity and defence preparation.

A NOTE ON VERIFICATION AND CORRECTIONS

This note was compiled against the primary texts and public databases, and the following corrections to circulating class materials are recorded so that no reader repeats them. (a) Executive power is vested in the President by section 53 of the 1991 Constitution, not section 56; section 40 confers the offices and titles of the presidency.
(b) The Supreme Court's exclusive original jurisdiction in constitutional interpretation and enforcement derives from section 124 (with referrals under s 127 and rights enforcement under s 28), not section 111. (c) Disqualifications for membership of Parliament are section 76 and vacation of seats, including cross-carpeting, section 77, not section 73, which establishes Parliament. (d) The United Kingdom's Human Rights Act is 1998 (in force 2000), not 1989 or 1999. (e) Sierra Leone's current local government framework is the Local Government Act 2022 (succeeding the 2004 Act); the lecture note's "2024" is corrected. (f) The matters of Lansana Dumbuya and Zainab Sheriff are 2026 first-instance proceedings under the Public Order Act 1965 and are presented as live controversies, not as decided constitutional precedents. (g) Two authorities cited in class could not be verified in public databases and are flagged wherever they appear: Bangura v President of Sierra Leone and Kabba v Kamara (unreported); rely on the verified alternatives given in the text unless the reports are produced. (h) Nigerian law report pinpoints (NWLR citations) and certain Sierra Leonean statutory pinpoints (ss 29, 46, 50-51, 108 thresholds, Local Government Act sections) are cited at the precision the compiler could verify and should be confirmed against the reports and gazetted texts before courtroom or dissertation use.

LEGISLATION AND CONSTITUTIONAL INSTRUMENTS

Constitution of Sierra Leone 1991 (Act No 6 of 1991)
Abolition of the Death Penalty Act 2021 (Act No 12 of 2021) (Sierra Leone)
Anti-Corruption Act 2008 (Act No 12 of 2008), as amended 2019 (Sierra Leone)
Courts Act 1965 (Act No 31 of 1965) (Sierra Leone), s 74 Customary Land Rights Act 2022 (Sierra Leone)
Cybersecurity and Crime Act 2021 (Sierra Leone)
Gender Equality and Women's Empowerment Act 2022 (Sierra Leone)
Human Rights Commission of Sierra Leone Act 2004 (Act No 9 of 2004)
Local Courts Act 2011 (Act No 10 of 2011) (Sierra Leone)
Local Government Act 2004 and Local Government Act 2022 (Sierra Leone)
National Security and Central Intelligence Act 2002 (Sierra Leone)
Ombudsman Act 1997 (Sierra Leone)
Public Financial Management Act 2016 (Sierra Leone)
Public Order Act 1965 (Act No 46 of 1965) (Sierra Leone)
Refugees Protection Act 2007 (Sierra Leone)
Right to Access Information Act 2013 (Act No 2 of 2013) (Sierra Leone)
Sierra Leone Citizenship Act 1973 (Act No 4 of 1973), as amended Sierra Leone Military Forces Act 1961 (Act No 34 of 1961)
Constitution of Kenya 2010 Constitution of the Federal Republic of Nigeria 1999 Constitution of the Republic of South Africa 1996 Human Rights Act 1998 (UK)
Nigeria Data Protection Act 2023 Promotion of Administrative Justice Act 3 of 2000 (South Africa)
Regulation (EU) 2016/679 (General Data Protection Regulation)
Regulation (EU) 2024/1689 (Artificial Intelligence Act)

CASES

A and Others v Secretary of State for the Home Department UKHL 56 Alexkor Ltd v Richtersveld Community 2004 (5) SA 460 (CC); ZACC 18 Anisminic Ltd v Foreign Compensation Commission 2 AC 147 (HL)

Associated Provincial Picture Houses Ltd v Wednesbury Corporation 1 KB 223 (CA)
Attorney-General of Abia State v Attorney-General of the Federation (2006) 16 NWLR (Pt 1005) 265 (SC Nigeria)
Attorney-General of the Federation v Attorney-General of Abia State & 35 Ors (SC/CV/ 343/2024, 11 July 2024) (SC Nigeria)
Attorney-General of the Federation v Attorney-General of Lagos State (2013) 16 NWLR (Pt 1380) 249 (SC Nigeria)
Attorney-General of Lagos State v Attorney-General of the Federation (2004) 18 NWLR (Pt 904) 1 (SC Nigeria)
Council of Civil Service Unions v Minister for the Civil Service AC 374 (HL)
Council of Governors & 6 Others v Senate eKLR (HC Kenya)
Dimes v Grand Junction Canal Proprietors (1852) 3 HL Cas 759 Economic Freedom Fighters v Speaker of the National Assembly 2016 (3) SA 580 (CC)
Entick v Carrington (1765) 19 St Tr 1029 Government of the Republic of South Africa v Grootboom 2001 (1) SA 46 (CC)
Gouriet v Union of Post Office Workers AC 435 (HL)
Kesavananda Bharati v State of Kerala AIR 1973 SC 1461 Liyanage v The Queen 1 AC 259 (PC)
Maneka Gandhi v Union of India AIR 1978 SC 597 Marbury v Madison 5 US (1 Cranch) 137 (1803)
Nafiu Rabiu v The State (1980) 8-11 SC 130 (SC Nigeria)
NM and Others v Smith and Others 2007 (5) SA 250 (CC); ZACC 6 Porter v Magill 2 AC 357 (HL)
R v Bow Street Metropolitan Stipendiary Magistrate, ex p Pinochet Ugarte (No 2) 1 AC 119 (HL)
R v North and East Devon Health Authority, ex p Coughlan QB 213 (CA)
R v Oakes 1 SCR 103 (SCC)
R (Miller) v Secretary of State for Exiting the European Union UKSC 5 Ransome-Kuti v Attorney-General of the Federation (1985) 2 NWLR (Pt 6) 211 (SC Nigeria)
Ridge v Baldwin AC 40 (HL)
S v Makwanyane 1995 (3) SA 391 (CC); ZACC 3 Sam Sumana v Attorney-General and Minister of Justice and Victor Bockarie Foh (SC 4/2015, SC Sierra Leone, 9 September 2015)
SERAP v Federal Republic of Nigeria ECW/CCJ/JUD/07/10 (30 November 2010); SERAP v Nigeria (No 2) ECW/CCJ/JUD/18/12 (14 December 2012)
SP Gupta v Union of India AIR 1982 SC 149 Tuffuor v Attorney-General GLR 637 (Ghana)

INTERNATIONAL AND REGIONAL INSTRUMENTS

African Charter on Human and Peoples' Rights (1981)
Convention Relating to the Status of Refugees (1951); OAU Refugee Convention (1969)
Universal Declaration of Human Rights, UNGA Res 217 A(III) (1948)
UN Doc E/CN.4/2006/58 (Decaux Principles on the administration of justice through military tribunals)

SECONDARY SOURCES

Abdulai ES, Freedom of Information Law and Good Governance: The Curse of Corruption in Sierra Leone (2021)
Abdulai ES, Electoral Politics, Laws and Ethnicity in Africa (2023)
Abdulai ES, The Diverse Facets of Corruption in Sierra Leone (2024)
Abdulai ES, Deconstructing Corruption in Africa (2025)
Barak A, Proportionality: Constitutional Rights and their Limitations (CUP 2012)
Barnett H, Constitutional and Administrative Law (Routledge, latest edn)
Bickel A, The Least Dangerous Branch (Bobbs-Merrill 1962)

Bingham T, The Rule of Law (Allen Lane 2010)
Craig P, Administrative Law (Sweet and Maxwell, latest edn)
Dicey AV, Introduction to the Study of the Law of the Constitution (10th edn, Macmillan 1959)
Ely JH, Democracy and Distrust: A Theory of Judicial Review (Harvard UP 1980)
Fombad C (ed), Separation of Powers in African Constitutionalism (OUP 2016); Constitutional Adjudication in Africa (OUP 2017)
Hart HLA, The Concept of Law (3rd edn, OUP 2012)
Jacobsohn G, Constitutional Identity (Harvard UP 2010)
Liebenberg S, Socio-Economic Rights: Adjudication under a Transformative Constitution (Juta 2010)
Manby B, Citizenship in Africa: The Law of Belonging (Hart 2018)
Roznai Y, Unconstitutional Constitutional Amendments (OUP 2017)
Truth and Reconciliation Commission of Sierra Leone, Witness to Truth (2004)
Constitutional Review Committee (Sierra Leone), Report (2017); Government White Paper (2017)
Wade HWR and Forsyth CF, Administrative Law (11th edn, OUP 2014)
Waldron J, "The Core of the Case Against Judicial Review" (2006) 115 Yale LJ 1346 Zweigert K and Kötz H, An Introduction to Comparative Law (3rd edn, OUP 1998)
Constitution of Sierra Leone 1991 (Act No 6 of 1991).
Constitution of Sierra Leone 1991 (Act No 6 of 1991), chs V (The Executive), VI (The Legislature), VII (The Judiciary) and III (The Recognition and Protection of Fundamental Human Rights and Freedoms of the Individual).
Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III). For the natural law tradition see John Finnis, Natural Law and Natural Rights (2nd edn, OUP 2011).
John Austin, The Province of Jurisprudence Determined (1832); Hans Kelsen, Pure Theory of Law (2nd edn 1960); HLA Hart, The Concept of Law (3rd edn, OUP 2012).
For the constitutional history see the Truth and Reconciliation Commission of Sierra Leone, Witness to Truth: Report of the Sierra Leone TRC (2004), and the Constitutional Review Committee, Report (2017).
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Amnesty International, "Sierra Leone: Government rejection of important constitutional review recommendations a missed opportunity to strengthen human rights protection" (December 2017). A further review process was announced under the Bio administration; verify its current status before citing.
Human Rights Act 1998 (UK), ss 3 and 4.
Constitution of Sierra Leone 1991, s 171(15).
AV Dicey, Introduction to the Study of the Law of the Constitution (10th edn, Macmillan 1959) 187-203.
Tom Bingham, The Rule of Law (Allen Lane 2010) ch 3-10.
Entick v Carrington (1765) 19 St Tr 1029.
Montesquieu, De l’Esprit des Lois (1748) bk XI, ch 6; John Locke, Second Treatise of Government (1689) chs XII-XIV; Aristotle, Politics, bk IV.
Constitution of Sierra Leone 1991, ss 40, 53, 73, 106 and 120.
Liyanage v The Queen 1 AC 259 (PC).
Tuffuor v Attorney-General GLR 637 (CA sitting as SC, Ghana).
Constitution of Sierra Leone 1991, ss 124 and 127.
Constitution of Sierra Leone 1991, s 134.
Gouriet v Union of Post Office Workers AC 435 (HL).
Marbury v Madison 5 US (1 Cranch) 137 (1803).
Constitution of Sierra Leone 1991, s 108. Verify the precise list of entrenched provisions and the referendum

thresholds in s 108 before citing pinpoint figures in an examination.
Kesavananda Bharati v State of Kerala AIR 1973 SC 1461.
Yaniv Roznai, Unconstitutional Constitutional Amendments: The Limits of Amendment Powers (OUP 2017); Gary Jacobsohn, Constitutional Identity (Harvard UP 2010).
R (Miller) v Secretary of State for Exiting the European Union UKSC 5-.
Nafiu Rabiu v The State (1980) 8-11 SC 130 (SC Nigeria).
Constitution of Sierra Leone 1991, ss 29; see also s 21 of Chapter III on derogations during emergency. Verify the current text of the parliamentary approval requirements in s 29 before citing pinpoint subsections.
Emmanuel Saffa Abdulai, Freedom of Information Law and Good Governance: The Curse of Corruption in Sierra Leone (2021); Emmanuel Saffa Abdulai, The Diverse Facets of Corruption in Sierra Leone (2024).
6.
7.
8.
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Constitution of Sierra Leone 1991, ch III (ss 15-30); s 108.
Constitution of Sierra Leone 1991, ss 15-30.
Constitution of Sierra Leone 1991, ch II and s 14.
R v Oakes 1 SCR 103 (SCC); Aharon Barak, Proportionality: Constitutional Rights and their Limitations (CUP 2012).
S v Makwanyane 1995 (3) SA 391 (CC); ZACC 3.
Abolition of the Death Penalty Act 2021 (Act No 12 of 2021) (Sierra Leone).
Government of the Republic of South Africa v Grootboom 2001 (1) SA 46 (CC).
SERAP v Federal Republic of Nigeria and Universal Basic Education Commission ECW/CCJ/JUD/07/10 (ECOWAS Community Court of Justice, 30 November 2010).
Constitution of Sierra Leone 1991, s 28. On the design point, compare eg Constitution of Kenya 2010, art 23 (High Court enforcement).
Constitution of Sierra Leone 1991, s 27; Gender Equality and Women’s Empowerment Act 2022 (Sierra Leone); Constitution of the Republic of South Africa 1996, s 9(2).
Ransome-Kuti v Attorney-General of the Federation (1985) 2 NWLR (Pt 6) 211 (SC Nigeria).
Maneka Gandhi v Union of India AIR 1978 SC 597.
Pan African Visions, "APC Secretary-General Remanded in Sierra Leone Court Over Alleged Incitement" (February 2026); Sierra Leone Monitor, "Lansana Dumbuya Granted Bail Following Third Court Appearance"

(2026). Ongoing proceedings: verify current status before citing.
This Day (Sierra Leone), "Zainab Sheriff jailed as debate deepens over use of Public Order Law" (April 2026). Verify appeal status before citing.
Public Order Act 1965 (Act No 46 of 1965) (Sierra Leone); Independent Media Commission Act 2020 repealed the criminal and seditious libel provisions of Part V.
African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58.
Human Rights Commission of Sierra Leone Act 2004 (Act No 9 of 2004); HRCSL, State of Human Rights in Sierra Leone (annual reports).
HWR Wade and CF Forsyth, Administrative Law (11th edn, OUP 2014) 4-5.
Council of Civil Service Unions v Minister for the Civil Service AC 374 (HL).
Kabba v Kamara (High Court of Sierra Leone, unreported): cited in lecture; the compiler could not verify this decision against public databases, and it should be confirmed from the court record before reliance.
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Associated Provincial Picture Houses Ltd v Wednesbury Corporation 1 KB 223 (CA).
Dimes v Grand Junction Canal Proprietors (1852) 3 HL Cas 759; R v Bow Street Metropolitan Stipendiary Magistrate, ex p Pinochet Ugarte (No 2) 1 AC 119 (HL); Porter v Magill 2 AC 357 (HL).
Ridge v Baldwin AC 40 (HL).
R v North and East Devon Health Authority, ex p Coughlan QB 213 (CA).
Anisminic Ltd v Foreign Compensation Commission 2 AC 147 (HL).
Constitution of Sierra Leone 1991, s 146; Ombudsman Act 1997 (Sierra Leone).
Anti-Corruption Act 2008 (Act No 12 of 2008) (Sierra Leone), as amended in 2019.
Emmanuel Saffa Abdulai, Deconstructing Corruption in Africa (2025).
John Hart Ely, Democracy and Distrust: A Theory of Judicial Review (Harvard UP 1980); Alexander Bickel, The Least Dangerous Branch (Bobbs-Merrill 1962) (coining the counter-majoritarian difficulty).
Jeremy Waldron, "The Core of the Case Against Judicial Review" (2006) 115 Yale LJ 1346.
SP Gupta v Union of India AIR 1982 SC 149; Gouriet v Union of Post Office Workers AC 435 (HL).
Constitution of Sierra Leone 1991, s 120.
Pulse Ghana, "Ghana wins ECOWAS Court case as removed CJ Torkornoo's human rights claims are dismissed" (24 June 2026); Graphic Online, "ECOWAS court grants Torkornoo's request to amend case to

include removal from office" (January 2026). Verify the judgment reference before formal citation.
Sam Sumana v Attorney-General and Minister of Justice and Victor Bockarie Foh (SC 4/2015, Supreme Court of Sierra Leone, 9 September 2015). See ReliefWeb/ Peace Insight, "Sierra Leone's constitutional crisis: the final verdict" (2015).
Peace Insight, "President Koroma's sacking of former Vice President was illegal, says ECOWAS Regional Court" (2017). The ECOWAS judgment was not implemented domestically; verify its reference (ECW/CCJ series) before formal citation.
Rely on verified authorities for the reviewability of executive action unless the report is produced.
Richard Fallon, "The Core of an Uneasy Case for Judicial Review" (2008) 121 Harv L Rev 1693.
Konrad Zweigert and Hein Kötz, An Introduction to Comparative Law (3rd edn, OUP 1998); Alan Watson, Legal Transplants (2nd edn, University of Georgia Press 1993).
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Local Courts Act 2011 (Act No 10 of 2011) (Sierra Leone) (customary law adjudication).
Alexkor Ltd v Richtersveld Community 2004 (5) SA 460 (CC); ZACC 18.
Customary Land Rights Act 2022 (Sierra Leone).
Attorney-General of Abia State v Attorney-General of the Federation (2006) 16 NWLR (Pt 1005) 265 (SC Nigeria); Attorney-General of Lagos State v Attorney-General of the Federation (2004) 18 NWLR (Pt 904) 1 (SC Nigeria). Nigerian report pinpoints should be checked against the law reports before formal citation.
Attorney-General of the Federation v Attorney-General of Abia State & 35 Ors (SC/ CV/343/2024, judgment of 11 July 2024) (local government financial autonomy).
Attorney-General of the Federation v Attorney-General of Lagos State (2013) 16 NWLR (Pt 1380) 249 (SC Nigeria).
Local Government Act 2004 (Sierra Leone); Local Government Act 2022 (Sierra Leone). The lecture's reference to sections 42 and 43 concerns the allocation of functions between councils and central ministries; verify pinpoints in the 2022 Act as gazetted.
Council of Governors & 6 Others v Senate eKLR (High Court of Kenya); see also Council of Governors v Attorney-General (Reference 3 of 2019) eKLR (SC Kenya). Verify the precise suit relied on by the lecturer.
R (Miller) v Secretary of State for Exiting the European Union UKSC 5.
Human Rights Act 1998 (UK), ss 3-4. The lecture's dates of 1989 and 1999 for this Act are corrected: it was enacted in 1998 and commenced principally on 2 October 2000.
A and Others v Secretary of State for the Home Department UKHL 56.
Constitution of the Republic of South Africa 1996, s 33; Promotion of Administrative Justice Act 3 of 2000

(South Africa).
Constitution of the Republic of South Africa 1996, ch 9; Economic and Financial Crimes Commission (Establishment) Act 2004 (Nigeria).
Constitution of Sierra Leone 1991, s 29; Constitution of Kenya 2010, art 58.
Regulation (EU) 2016/679 (General Data Protection Regulation). The lecture’s shorthand "regulation 26" refers to the 2016 instrument.
Nigeria Data Protection Act 2023; Cybersecurity and Crime Act 2021 (Sierra Leone); Ministry of Information and Civic Education (Sierra Leone), final national validation of the Data Protection and Right to Access Information Bill 2025. Verify current enactment status before citing.
National Security and Central Intelligence Act 2002 (Sierra Leone).
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NM and Others v Smith and Others 2007 (5) SA 250 (CC); ZACC 6 (4 April 2007).
Constitution of the Republic of South Africa 1996, s 39(1).
SERAP v Federal Republic of Nigeria and Universal Basic Education Commission ECW/CCJ/JUD/07/10 (30 November 2010).
Emmanuel Saffa Abdulai, Electoral Politics, Laws and Ethnicity in Africa (2023).
Constitution of Sierra Leone 1991, ss 40-53. Verify pinpoints for tenure and removal (ss 46, 50-51) against the consolidated text.
Constitution of Sierra Leone 1991, ss 73, 76-77, 106; s 40(4) (treaties). The lecture materials’ reference to "section 73" for disqualification is corrected: disqualifications are s 76 and vacation of seats s 77.
Constitution of Sierra Leone 1991, ch VII on finance (ss 110-119); s 119 (Auditor-General). Verify pinpoints against the consolidated text; the Public Financial Management Act 2016 (Sierra Leone) supplies the statutory detail.
Human Rights Commission of Sierra Leone Act 2004 (Act No 9 of 2004); Anti-Corruption Act 2008, as amended 2019.
Right to Access Information Act 2013 (Act No 2 of 2013) (Sierra Leone); Emmanuel Saffa Abdulai, Freedom of Information Law and Good Governance: The Curse of Corruption in Sierra Leone (2021).
Anti-Corruption Act 2008 (Act No 12 of 2008), amended 2019 (Sierra Leone).
Economic Freedom Fighters v Speaker of the National Assembly 2016 (3) SA 580 (CC) (South Africa).
UN Doc E/CN.4/2006/58 (Decaux Principles), principles 5 and 8; Sierra Leone Military Forces Act 1961 (Act No 34 of 1961). On the 2024 Freetown court martial and the objection concerning dismissed soldiers, verify the proceedings from the record.
Sierra Leone Citizenship Act 1973 (Act No 4 of 1973), as amended in 2006 and

2017. Verify the current criteria before citing; the racial-descent criterion has been the subject of sustained reform advocacy.

Refugees Protection Act 2007 (Sierra Leone); Convention Relating to the Status of Refugees (1951); OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969).

SERAP v Federal Republic of Nigeria (No 2) ECW/CCJ/JUD/18/12 (14 December 2012) (Niger Delta environment).

Environment Protection Agency Act 2008, re-enacted 2022 (Sierra Leone); verify the current EPA statute.

Regulation (EU) 2024/1689 (EU Artificial Intelligence Act) (risk-based framework).

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Lomé Peace Agreement (1999); Statute of the Special Court for Sierra Leone (2002); TRC, Witness to Truth (2004).

Faculty of Law, Oxford, OSCOLA: The Oxford University Standard for the Citation of Legal Authorities (4th edn, Hart 2012).

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