

THE FORMER PRESIDENTS BILL, 2023

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THE FORMER PRESIDENTS BILL, 2023

A BILL ENTITLED

AN ACT to establish an office of former President, and to provide for pensions, gratuities and other benefits to former Presidents and for matters connected.

ENACTED by the President and the National Assembly.

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PART I – PRELIMINARY

1. Short Title

This Act may be cited as the Former Presidents Act, 2023.

2. Interpretation

In this Act unless context otherwise requires –

“**Constitution**” means the Constitution of the Republic of The Gambia;

“**Former President**” means a person who has held the office of President of the Republic of The Gambia under the Constitution;

“**Government**” means the Government of the Republic of The Gambia;

“**Minister**” means the Minister responsible for Finance; and

“**Surviving Spouse**” means the widow or widower of the former President whom she or he was married to at the time of leaving office as the President of the Republic of The Gambia.

PART II – ESTABLISHMENT OF OFFICE OF FORMER PRESIDENT, PENSIONS AND GRATUITY

3. Establishment of office of former President

(1) There is established by this Act, an office of former President.

(2) An office of former President shall only subsist during the lifetime of the former President from date of his or her ceasing to be the President.

(3) The Government, within six months after a President leaves office, shall furnish and equip the office of a former President to the standard of Cabinet level, and shall employ not less than four staff, including a Personal Assistant and Personal Secretary.

(4) The office of a former President may continue to operate for six months immediately after the death of a former President to complete unfinished business and to close the office.

4. Pensions of a former President

The Government shall pay a former President for the rest of his or her life a monthly pension payable in arrears of an amount equal to the monthly salary of a serving President.

5. Gratuity of a former President

(1) The Government, within thirty (30) days from the date a former President leaves office, shall pay a former President a non-taxable lump sum gratuity in a sum equal to six months of his or her gross salary last received whilst in office, and such gratuity shall be paid to him or her only once.

(2) The gratuity of a former President who died before receiving his or her gratuity, shall be paid to Curator of Interstate Estate to distribute it among his or her heirs.

PART III - OTHER BENEFITS FOR FORMER PRESIDENT

6. Accommodation and personnel of a former President

(1) A former President shall be provided with a fully furnished residence, including utilities and other facilities for his or her comfort.

(2) Where a former President decide to reside in his or her own residence, the Government shall maintain his or her residence and provide it with telephone, internet and other facilities for his or her comfort.

(3) The Government shall provide two cooks, four housekeepers and two gardeners to serve a former President in his or her residence, and such personnel shall be selected by the former President.

7. Protocol service

(1) The Government shall provide a Diplomatic Passport for a former President and his or her spouse for life.

(2) A former President shall be entitled to protocol within and outside The Gambia.

(3) At a public function, former Presidents shall take their seat in order of precedence after the sitting Vice-President.

8. Health insurance for a former President and his or her spouse

The Government shall provide a former President and his or her spouse with insurance cover for medical and dental treatment, including treatment abroad, if specialist treatment is needed which is not available in The Gambia.

9. Vehicles for a former President

(1) The Government shall provide a former President with three new chauffeur-driven vehicles including fuel, maintenance, tax and insurance.

(2) The Government shall replace the vehicles of a former President every five (5) years with new vehicles.

10. Security for a former President

The Government shall provide security for the full-time protection of a former President and his or her spouse for life.

11. Vacation for former President

The Government shall, in every year, sponsor one-month annual vacation expenses of a former President and his or her spouse and one accompanying staff to a destination of his or her choice.

12. Allowances of surviving spouse of former President

(1) The Government shall pay allowances to the surviving spouse of a former President at a rate per annum, payable monthly, which is equal to twenty five percent (25%) of the annual rate of gross salary of a serving President.

(2) The surviving spouse shall only be paid allowances during his or her lifetime.

(3) The allowance of a surviving spouse –

- (a) commences on the day after the former President dies;
- (b) terminates on the last day of the month before such widow dies; and
- (c) is not payable for any period during which such spouse holds an appointive or elective office or position in or under the government to which is attached a rate of pay other than a nominal rate.

PART IV – MISCELLANEOUS

13. Pensions allowances and other benefits to be charged on the Consolidated Fund

The pensions, allowances, gratuities and other benefits payable under this Act shall be charged on the Consolidated Fund through the annual budget of the Office of the President.

[ss.150 and 151 of the Constitution of the Republic of The Gambia, 1997]

14. Exemption from taxes

The pensions, gratuities and allowances of a former President shall be exempted from income tax.

15. Duration of pensions, gratuity, allowances and other benefits

Subject to this Act, all pensions, gratuities, allowances and other benefits created under this Act shall only subsist during the lifetime of the person, commencing from the day a former President ceases to hold office as the President of the Republic of The Gambia.

16. State funeral for former Presidents

(1) The sitting President shall issue an official proclamation to announce the death of a former President and shall order that the national flag be flown at half-mast or half-staff for a period of thirty (30) days on all national buildings, grounds, naval vessels and platforms both within and outside The Gambia.

(2) A former President shall be entitled to an official state funeral, including traditions and requirements determined by The Gambia Armed Forces.

17. Regulations

The Minister may make Regulations generally for the better carrying into effect of the provisions of this Act and to provide for any other matters necessary for its effective implementation.

18. Repeal

The Former Presidents (Office, Allowances and Other Benefits) Act is repealed.

[Act No.16 of 2006]

OBJECTS AND REASONS

This Bill seeks to repeal and replace the Former Presidents (Office, Allowances and Other Benefits) Act [Act No.16 of 2006]. Until now, the president who is the chief executives of the state upon ceasing to hold office enters retirement without any formal pension from the state. This Bill proposes an annual pension and office expenses for former Presidents to maintain the dignity of the Office of the President. The proposed pension scheme and retirement benefits also provides recognition and gratitude for a former President’s service to The Gambia, which does not end with his term of office. It is believed that many Gambians will not want to see their former presidents living the remainder of their lives in destitute. The Bill further proposes a one-time six months lump sum gratuity payment to an outgoing President to assist his or her transition to post presidential life.

Although the formal role of a president ends when he or she leaves office, but he or she remains a public figure even after leaving office and continue to perform certain informal public roles. In addition, other public servants do qualify for a pension including executive, legislative, and judicial branch employees. Therefore, it is only fair that a former president also be provided pension and with additional office facility to enable him or her to perform duties that emerge as a result of his or her unofficial public status.

Upon their demise, the Bill entitles a former president to an official state funeral to accord him or her the nation’s final due respect. To continue to preserve the dignity of the former first family, the Bill proposes a monthly allowance equal to twenty five percent, a quarter, of the deceased former president’s pension to be paid to the surviving spouse.

Finally, by making live after presidency modestly comfortable, the benefits provided for in this Bill will serve as incentive to sitting presidents to voluntarily vacate office thereby entice them to avoid undue elongation of their stay in power, a common phenomenon which often leads to political instability in many parts of Africa.

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HONOURABLE SEEDY K.M KEITA
MINISTER OF FINANCE AND ECONOMIC AFFAIRS