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DECREES

Supplement to the Sierra Leone Gazette Extraordinary Vol. CXXV, No. 7

dated 7th February, 1994

**N.P.R.C. Decree
No. 1**

1994



Sierra Leone

**The Interim National Electoral Commission
Decree, 1994**

Short title.

**Being a Decree to establish an Interim National Electoral
Commission and for related matters**

[31st December, 1993] Date of commencement.

PURSUANT to paragraph 3 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992", the National Provisional Ruling Council makes and issues the following Decree:—

F Clifton White Resource Center
International Foundation for Election Systems

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Commence-
ment.

1. This Decree shall be deemed to have come into force on the 31st day of December, 1993.

Establish-
ment of In-
terim Natio-
nal Electoral
Commission.

2. There shall be established a body to be known as the Interim National Electoral Commission (referred to in this Decree as "the Commission").

Composition
of Commis-
sion.

3. (1) The Commission shall consist of—

- (a) a Chairman; and
- (b) four other members,

all of whom shall be appointed by the National Provisional Ruling Council.

(2) The Chairman and other members of the Commission shall be appointed on such terms and conditions as the National Provisional Ruling Council may determine.

(3) A member of the Commission may be removed from office by the National Provisional Ruling Council for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(4) Whenever a member of the Commission dies, resigns, is removed from office or is absent from Sierra Leone for a period of sixty days without reasonable cause, or is by reason of illness or any other cause unable to perform the functions of his office, the National Provisional Ruling Council may appoint a person to be a member of the Commission, and any person so appointed, shall, subject to the provisions of subsection (6), continue to perform those functions until his appointment is revoked by the National Provisional Ruling Council, or until such member is able to perform those functions, or until the appointment of a new member of the Commission.

(5) A member of the Commission shall not be removed from office except in accordance with the provisions of this section.

(6) A member of the Commission shall, before assuming the functions of his office, take and subscribe before the Chairman, National Provisional Ruling Council, the Oath set out in the Third Schedule to the Constitution of Sierra Leone, 1991.

Act No. 6 of
1991.

Functions of
Commission.

4. The Commission shall have the following functions—

- (a) compile a register of voters and revise it at such periods as it may determine;

- (b) subject to the approval of the National Provisional Ruling Council, demarcate the electoral boundaries for both national and local government elections;
- (c) conduct and supervise all public elections and *referenda*;
- (d) educate people on the electoral process and its purpose;
- (e) undertake programmes for the expansion of registration of voters; and
- (f) perform such other functions as the National Provisional Ruling Council may determine.

5. Except as otherwise provided in this Decree, the Commission shall not, in the performance of its functions, be subject to the direction or control of any person or authority. Independence of Commission.

6. (1) The Commission shall meet for the despatch of its business at such time and place as it may determine. Meetings of the Commission.

(2) The Chairman shall preside at meetings of the Commission at which he is present, and in his absence one of the members of the Commission shall be elected, by the members present, to preside.

(3) Decisions of the Commission at meetings shall be taken by a majority of the members present and voting, and in the event of an equality of votes the Chairman shall have a casting vote.

(4) The quorum for a meeting of the Commission shall be three.

(5) Subject to the provisions of this Decree, the Commission shall regulate the procedure for its meetings.

7. The Commission may appoint committees to perform any function that the Commission may require. Committees of Commission.

8. (1) The Commission shall establish offices in each District in the country. Establishment and supervision of District offices.

(2) One Commissioner shall be responsible for each of the four regions of Sierra Leone and shall supervise the operations of the District offices within each region.

Executive
Secretary of
Commission.

9. (1) There shall be an Executive Secretary of the Commission, who shall be appointed by the National Provisional Ruling Council on such terms and conditions as the Council may determine.

(2) The Executive Secretary shall be responsible to the Commission for—

- (a) the day-to-day administration of the affairs of the Commission;
- (b) recording and keeping of minutes of meetings of the Commission in a book kept for that purpose;
- (c) supervising and disciplining of staff of the Commission; and
- (d) performing such other duties as the Commission may determine.

Staff of Com-
mission.

10. (1) The Commission shall employ such staff as it thinks necessary for the efficient performance of its functions.

(2) Public officers may be seconded or transferred to the Commission.

(3) The staff of the Commission shall be employed on such terms and conditions as the Commission may determine.

Expenses of
the Commis-
sion.

11. All salaries, allowances, administrative and other expenses of the Commission shall be charged on the Consolidated Fund.

Offence and
penalty.

12. Any person who wilfully obstructs or otherwise interferes with the Commission or any of its members or officers in the discharge of the Commission's functions under this Decree commits an offence and shall be liable on conviction to a fine not exceeding Le500,000.00 or to a term of imprisonment not exceeding one year, or to both such fine and imprisonment.

Disqualifica-
tion of
members of
Commission.

13. A member of the Commission shall not present himself for elections for two consecutive Presidential, Parliamentary and Local Government elections each held after the commencement of this Decree.

Regulations.

14. The National Provisional Ruling Council may, in consultation with the Commission, make regulations for—

- (a) the conduct and efficient supervision of public elections and *referenda*; and

(b) giving fuller effect to the provisions of this Decree.

15. Sections 32 and 33 of the Constitution of Sierra Leone, 1991 are suspended. Suspension
of Sections
32 and 33 of
Act No. 6 of
1991.
16. In this Decree, unless the context otherwise requires— Interpreta-
tion.
“public elections” include Presidential, Parliamentary and
Local Government Elections.

MADE AND ISSUED this 7th day of February, 1994.

CAPTAIN VALENTINE E. M. STRASSER
Chairman,
National Provisional Ruling Council.

N.P.R.C. Decree
No. 2

1994



Sierra Leone

The National Provisional Ruling Council (Expropriation of Specified Companies) Decree, 1994 Short title.

Being a Decree to expropriate certain specified companies and for other related matters

[7th February, 1994] Date of Commencement.

PURSUANT to paragraph 3 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992", the National Provisional Ruling Council makes and issues the following Decree—

1. In this Decree unless the context otherwise requires—
"Secretary of State" means the Secretary of State responsible for Trade, Industry and State Enterprises.

Interpretation.

Expropriation of specified companies.

2. Notwithstanding any enactment or agreement to the contrary, all interests, rights or shares owned by any person in the companies set out in the First Schedule are expropriated to the Government and people of Sierra Leone.

Termination of leasehold agreement.

3. The leasehold agreements entered into between the Government of Sierra Leone and Antoine A. D. Yazbeck in respect of the hotels set out in the Second Schedule to this Decree are terminated.

Petitions.

4. (1) Any person whose interest in any of the companies listed in the First Schedule has been expropriated may, within thirty days after the commencement of this Decree, petition the Secretary of State setting out the details of his interest.

(2) The Secretary of State shall, within thirty days of receiving the petition and in consultation with--

(a) the Attorney-General and Secretary of State for Judicial Affairs; and

(b) the Principal Liaison Officer responsible for Trade, Industry and State Enterprises make such an order relating to compensation, restoration of such interest or confirmation of the expropriation.

Appeal to the High Court.

5. (1) Any person who is aggrieved by any order of the Secretary of State may within thirty days of such order appeal to the High Court.

(2) Where on the expiration of the period specified in subsection (1) no appeal has been filed in respect of the order, the Secretary of State may proceed to deal with the company in such manner as he thinks fit.

FIRST SCHEDULE

(Section 2)

1. Mining and General Services Co. Ltd.
2. Spring Water Bottling Plant Co. Ltd.
3. National Workshop.
4. Quarry Enterprises Limited.
5. Sierra Leone Cement Factory.

SECOND SCHEDULE (Section 3)

1. Mammy Yoko Hotel.
2. Lungi Airport Hotel.

MADE and ISSUED this 7th day of February, 1994.

CAPTAIN VALENTINE E. M. STRASSER
Chairman,
National Provisional Ruling Council.

EXPLANATORY NOTE

(This Note is not part of this Decree but is intended to indicate its general purport.)

The companies listed in the First Schedule and which are of great importance to the economic development of Sierra Leone have, as a result of neglect and bad management, either become non-operational or are operating at a very low non-economic capacity.

This, coupled with the fact that taxes payable to Government have remained unsatisfied for a very long time, has necessitated the expropriation of these companies by the Government.

This expropriation will thus enable the Government, where necessary, to transfer ownership of these companies to restore their viability and profitable operation.



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Govt. Notice No. 24

The following are published for general information as supplement to this number of the Sierra Leone Gazette Extraordinary—

N.P.R.C. DECREE NO. 1 OF 1994

“The Interim National Electoral Commission Decree, 1994” —Being a Decree to establish an Interim National Electoral Commission and for related matters.

N.P.R.C. DECREE NO. 2 OF 1994

“The National Provisional Ruling Council (Expropriation of Specified Companies) Decree, 1994” —Being a Decree to expropriate certain Specified Companies and for related matters.

Govt. Notice No. 25

The following is published as supplement to this number of the Sierra Leone Gazette Extraordinary—

PUBLIC NOTICE NO. 3 OF 1994

The Fisheries (Amendment) Regulations, 1994 under the Fisheries Management and Development Act, 1988 (Act No. 4 of 1988).