

PUBLIC NOTICE

Supplement to the Sierra Leone Gazette Extraordinary Vol. CXXIII, No. 47

dated 10th July, 1992

PUBLIC NOTICE No. 25 OF 1992.

Published 10th July, 1992.

THE ADMINISTRATION OF SIERRA LEONE
(NATIONAL PROVISIONAL RULING COUNCIL)

PROCLAMATION

(P.N. No. 23 of 1992)

THE PUBLIC EMERGENCY REGULATIONS, 1992

Short title.

In exercise of the powers conferred upon it by subsection (5) of section 29 of the Constitution of Sierra Leone, 1991 as adapted by paragraph 5 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992", the National Provisional Ruling Council makes the following regulations:—

1. These regulations shall be deemed to have come into operation on the 30th day of April, 1992. Commencement.
2. Any person who, without lawful authority or reasonable excuse, the proof whereof shall lie on him, is found to be in possession of any gold or diamond, shall be guilty of an offence and liable— Unlawful possession of gold or diamond.
 - (a) on summary conviction to a fine of three times the value of the gold or diamond or two million leones whichever is the higher amount or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment;
 - (b) on conviction on indictment to a fine of not less than five million leones or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment;
 - (c) where any person is convicted of an offence under this regulation whether summarily or on indictment, the Court shall make an order for the forfeiture to the State of all the gold or diamond found in his possession.

3. The Council may by order declare any area in Sierra Leone to be a gold or diamond non-dealing area. Council to declare non-dealing gold or diamond area.

Smuggling
an offence.

4. (1) Any person who—

(a) smuggles or attempts to smuggle the national currency, any gold, diamond or other precious mineral, or any goods or other essential commodity in or out of Sierra Leone; or

(b) aids and abets the offence of smuggling;
shall be guilty of an offence and liable—

Penalty for
smuggling.

(i) on conviction on indictment to a fine of not less than twenty million leones or to a term of imprisonment of not less than five years and not exceeding fourteen years or to both such fine and imprisonment; and

(ii) the Court on conviction of the accused person shall order the forfeiture to the State of any national currency, gold, diamond or other precious mineral, or any goods or other essential commodity in connection with which the offence was committed.

Acts deemed
to be smuggling.

(2) For the purposes of this regulation, a person who—

(a) imports or exports or attempts to import or export the national currency, gold, diamond or other precious mineral or any goods or other essential commodity the importation or exportation of which is prohibited by law, or

(b) imports or exports or attempts to import or export the national currency, gold, diamond or other precious mineral or any goods or other essential commodity the importation or exportation of which is subject to any condition or permit and such importation or exportation is effected contrary to any such condition or, without, or in contravention of such permit;

shall be deemed to be guilty of the offence of smuggling.

(3) For the purposes of this regulation the word "goods" includes all kinds of articles, wares, merchandise and livestock.

Offence of
smuggling by
body of persons.

5. Where the offence of smuggling is committed by a body of persons, then if the body of persons is—

(a) a body corporate, every person who at the time of the commission of the act constituting the offence was a director or officer of that body corporate; or

Smuggling
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Penalty for
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(i) on conviction on indictment to a fine of not less than twenty million leones or to a term of imprisonment of not less than five years and not exceeding fourteen years or to both such fine and imprisonment; and

(ii) the Court on conviction of the accused person shall order the forfeiture to the State of any national currency, gold, diamond or other precious mineral, or any goods or other essential commodity in connection with which the offence was committed.

Acts deemed
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(2) For the purposes of this regulation, a person who—

(a) imports or exports or attempts to import or export the national currency, gold, diamond or other precious mineral or any goods or other essential commodity the importation or exportation of which is prohibited by law, or

(b) imports or exports or attempts to import or export the national currency, gold, diamond or other precious mineral or any goods or other essential commodity the importation or exportation of which is subject to any condition or permit and such importation or exportation is effected contrary to any such condition or, without, or in contravention of such permit;

shall be deemed to be guilty of the offence of smuggling.

(3) For the purposes of this regulation the word "goods" includes all kinds of articles, wares, merchandise and livestock.

Offence of
smuggling by
body of persons.

5. Where the offence of smuggling is committed by a body of persons, then if the body of persons is—

(a) a body corporate, every person who at the time of the commission of the act constituting the offence was a director or officer of that body corporate; or

(b) a firm, every person who at the time of the commission of the act constituting the offence was a partner of that firm;

shall be deemed to be guilty of the offence of smuggling.

6. (1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus, or other thing used under or intended to be used in the service of the Government of Sierra Leone or in the performance of essential service or for the maintenance of supplies essential to the life of the community or to impair the usefulness of any works, structure, or premises used or intended to be so used, or to any act whatsoever to destabilise the economy of Sierra Leone. Sabotage.

(2) The provisions of sub-regulation (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty either to the public or to any person to do as they apply in relation to the doing of any act by a person.

(3) Any person who contravenes any of the provisions of sub-regulations (1) and (2) shall be guilty of an offence and liable—

(a) on summary conviction to a fine of not less than five hundred thousand leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment;

(b) on conviction on indictment to a fine of not less than two million leones or to a term of imprisonment not exceeding fourteen years or to both such fine and imprisonment.

7. The Council may, if satisfied with respect to any particular person, that with a view to preventing that person from acting in any manner prejudicial to public safety, it is necessary so to do, make an order— Restriction Order and Detention Order.

(a) prohibiting or restricting the possession or the use by that person of any specified articles;

(b) imposing upon that person such restrictions as may be specified in the Order in respect of—

(i) his employment or business,

(ii) his association or communication with other persons, or

(iii) his activities in relation to the dissemination of news or the propagation of opinion;

(c) directing that such person be detained or continues to be detained and so long as such an Order is in force in respect of any person, that person shall be liable to be detained, or continue to be detained in such place and under such conditions as the Council, may from time to time determine and shall, while so detained, be deemed to be in legal custody:

Provided that any Order made by virtue of this regulation shall not be rendered invalid by reason only of any defect in the date stated therein.

Control of
fire arms etc.
Act No. 14 of
1955 P. 2481
Vol. IV; Act
No. 15 of
1955 P. 2507
Vol. IV.

8. (1) Notwithstanding the provisions of any enactment, the Council may revoke or withdraw any licence or permit issued or granted under the Arms and Ammunition Act, 1955 or the Explosives Act, 1955, or any Act amending or replacing these Acts.

(2) Where any licence or permit has been revoked or withdrawn by the Council in accordance with sub-regulation (1), the owner of such licence or permit shall forthwith deliver to the nearest police station, all arms, ammunition or explosives authorised to be in his possession by the licence or permit so revoked or withdrawn.

(3) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable—

(a) on summary conviction to a fine not exceeding one million leones or to imprisonment for a term not exceeding five years;

(b) on conviction on indictment to a fine not exceeding ten million leones or to a term of imprisonment not exceeding ten years.

Food control.

9. (1) The Council may, if satisfied that it is in the public interest so to do or for the maintenance of supplies and services essential to the life of the community, by Order do all or any of the following things—

(a) requisition any article or articles of food;

(b) distribute or direct the distribution of, any food so requisitioned;

(c) require persons and business firms to provide storage for any food requisitioned or which may be in the possession of Government;

(d) require persons to transport any food specified in the order to such place as shall be named in the order.

(c) directing that such person be detained or continues to be detained and so long as such an Order is in force in respect of any person, that person shall be liable to be detained, or continue to be detained in such place and under such conditions as the Council, may from time to time determine and shall, while so detained, be deemed to be in legal custody:

Provided that any Order made by virtue of this regulation shall not be rendered invalid by reason only of any defect in the details stated therein.

Control of fire arms etc. Act No. 14 of 1955 P. 2481 Vol. IV; Act No. 15 of 1955 P. 2507 Vol. IV.

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(2) Where any licence or permit has been revoked or withdrawn by the Council in accordance with sub-regulation (1), the owner of such licence or permit shall forthwith deliver to the nearest police station, all arms, ammunition or explosives authorised to be in his possession by the licence or permit so revoked or withdrawn.

(3) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding ten million leones or to imprisonment for a term not exceeding five years;
- (b) on conviction on indictment to a fine not exceeding ten million leones or to a term of imprisonment exceeding ten years.

Food control.

9. (1) The Council may, if satisfied that it is in the public interest so to do or for the maintenance of supplies and services essential to the life of the community, by Order do all or any of the following things—

- (a) requisition any article or articles of food;
- (b) distribute or direct the distribution of, any food so requisitioned;
- (c) require persons and business firms to provide storage space for any food requisitioned or which may be required for the possession of Government;
- (d) require persons to transport any food specified in the order to such place as shall be named in the order.

(e) declare the maximum price at which any article of food shall be sold.

(2) Any person whose food has been requisitioned under sub-regulation (1) shall receive compensation in accordance with rules to be made by the Council and any person required to store or transport such food shall receive such remuneration therefor as the Council may prescribe.

10. The Council may by order fix the prices of essential commodities and may from time to time vary or revoke such order.

Price-freeze for essential commodities.

11. No person shall hoard or in any way procure, encourage, entertain or solicit the hoarding of essential commodities.

Prohibition on hoarding of essential commodities.

12. (1) Any police officer or member of the armed forces in uniform, of or above the rank of sergeant with warrant, or any police officer of or above the rank of Superintendent, or any member of the armed forces of or above the rank of Lieutenant without warrant, and using such force as may be necessary, may—

Power of arrest and seizure for hoarding essential commodities.

(a) enter and search any premises; or

(b) stop and search any vehicle; or

(c) stop and question any person; if—

(i) any such premises or vehicle is being used in connection with the hoarding of large quantities of any essential commodity, or such person can give any information in connection therewith; or

(ii) evidence of any offence against these regulations or any other law is likely to be found on any such premises or vehicle or is likely to be obtained from any such person.

(2) Any evidence of essential commodity so found together with any vehicle stopped may be seized, or any person questioned may be detained by the police officer or member of the armed forces referred to in regulation (1) for no more than twenty-four hours and where any vehicle or essential commodity is so seized an entry shall be made in the record books kept at the police station or military barracks at which such person has been detained.

(3) Any essential commodity seized under regulation (2) shall be forfeited to the State, sold and the proceeds paid into the Consolidated Fund.

Requisition-
ing transport,
etc.

13. (1) The Council may, if satisfied that in the interest of public safety it is necessary so to do, by order requisition for the use of the Government of Sierra Leone for a specified or unspecified period, any vessel, vehicle or aircraft, and may give such directions as appear to it to be necessary or expedient in connection with the requisition.

(2) When any person having in his possession, custody or control anything requisitioned under sub-regulation (1) fails to comply with any order made or directions given in respect thereof, such thing may be seized by any person authorised in writing, in that behalf by the Council.

(3) On the receipt or seizure of anything requisitioned under this regulation a voucher or receipt shall be given by or on behalf of the Council to the person from whom such thing is requisitioned describing it with sufficient accuracy for the purpose of identifying it or of ascertaining its value.

(4) Where anything has been requisitioned under this regulation and agreement cannot be reached as to the compensation to be paid therefore, such compensation shall be assessed and paid in accordance with the rules to be prescribed by the Council.

(5) The Council may require any person engaged in or about the navigation or control of any vessel or aircraft requisitioned under this regulation to place his services in relation thereto at the disposal of the Council and such person shall comply with such instructions as may be given to him from time to time by or on behalf of the Council.

(6) If any person referred to in sub-regulation (5) sustains personal injury in the course of his duties when complying with any such instruction or dies in consequence thereof, such compensation as the Council may determine shall be paid out of the Consolidated Fund to the person injured or to his personal representatives or dependants as the case may be:

Provided that in assessing compensation the Council may take into account any moneys payable on the occurrence of the events herein described under a subsisting contract of insurance.

Driving with-
out authori-
zation of
owner.

14. (1) Any person who takes and drives away any motor vehicle on any occasion without having either the consent of the owner thereof or other lawful authority shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) Any person who, on any highway without the consent of the owner or other lawful authority, enters any vehicle or tampers with the brake or other part thereof, shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty thousand leones or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(3) Any person who commits or who is alleged to have committed an offence under these regulations and who refuses to give his name or address or such other information as may be reasonably demanded or who gives false information to any police officer or member of the armed forces shall be guilty of an offence and punishable under sub-regulation (2).

(4) Any person who attempts to commit or abets the commission of an offence against this regulation shall himself be guilty of the same offence.

15. (1) The Council may appoint a censor of postal matters and telegrams and such number of assistant censors as it shall think fit. Appointment of censor and inspection of postal matters and courier bags.

(2) The Council may by warrant under the hand of the Chairman or Deputy Chairman authorise the General Manager of the Postal Services Department, any Post Master or any person engaged in the business of Courier Services to detain and produce to the censor all Postal matters, telegrams and courier bags coming into their possession either for transmission or delivery.

(3) The censor, or any person authorised by him, may examine, censor or detain either permanently or for so long a period as he may deem necessary any postal matter, telegram or contents of any courier bag whatsoever which may be in the course of or intended for transmission to, from or through any territory that the Council may direct and in the case of courier bags, they shall be opened in the presence of the person operating the courier service or his agent.

16. (1) No person shall—

Propaganda.

(a) endeavour, whether orally or otherwise, to influence public opinion (whether in Sierra Leone or elsewhere) in a manner likely to be prejudicial to the public safety, the public tranquility, the maintenance of public order or the maintenance of supplies or services essential to the life of the community; or

(b) do any act, or have any articles in his possession, with a view to making or facilitating the making of any such endeavour.

(2) The Council may make provision by order for preventing or restricting the publication in Sierra Leone of matters as to which it is satisfied that the publication, or as the case may be, the unrestricted publication, thereof would or might be prejudicial to the public safety, or to the maintenance of public order or to the maintenance of supplies essential to the life of the community, and an order under this paragraph may contain such incidental and supplementary provisions as appear to the Council to be necessary or expedient for the purposes of the order and in particular may include provisions for securing that any newspapers, documents, pictorial representations, or photographs shall before publication be submitted and approved by such authority or persons as may be specified in the order.

(3) In this regulation—

(a) "public opinion" includes the opinion of any member of the public; and

Cap. 111. (b) "newspaper" has the same meaning as in the Newspapers Act.

Publication
of disturbing
reports.

17. (1) Any person who publishes any report or statement which is likely to cause alarm or despondency or be prejudicial to the public safety, the public tranquility or the maintenance of public order, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) Where any person causes any wasteful employment of the police or a member of the armed forces by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any persons or property, or tending to show that such person has information material to any inquiry, then that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term of not more than five years or to both such fine and imprisonment.

(3) No proceedings shall be instituted for an offence under this section except by or with the consent of the Attorney-General or the Director of Public Prosecutions.

causing dis-
fection.

18. (1) No person shall—

(a) endeavour to entice from their duty persons engaged in the Service of the Government of Sierra Leone (civil or military) or in the Sierra Leone Police

(2) Any police officer or member of the armed forces may take all reasonable steps to prevent any vehicle being driven past any barrier and any driver of any vehicle who fails to comply with any reasonable signal of a police officer or member of the armed forces requiring that driver to stop his vehicle before reaching any barrier, commits an offence and shall be liable on summary conviction for a fine not exceeding fifty thousand leones or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) No police officer or member of the armed forces shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of such vehicle or for any of the driver of such vehicle failing to obey any police officer or member of the armed forces acting under the provisions of sub-regulation (2) of this regulation.

Looting and
kindred
offences.

20. (1) If, in an area which has been the scene of a riot or civil commotion or a disturbance or in any area to which this regulation has been applied by order of the Council, any person—

(a) steals any article from premises which have been damaged by riot or civil commotion or disturbance or which have been vacated by reason of riot or civil commotion or disturbance or in consequence of any authorised directions given for the purpose of preserving public safety or maintaining public order or of protecting persons and property from the dangers involved in, or as a consequence of such riot or civil commotion or disturbance; or

(b) steals any article which has been left exposed or unprotected as a consequence of riot or civil commotion or disturbance; or

(c) enters any premises, damages any property, assaults any person or is found with any offensive or housebreaking instrument with intent to commit a felony;

he shall be guilty of an offence against this regulation, and shall—

(i) on summary conviction be liable to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment;

(ii) on conviction by the High Court be liable to a fine not exceeding one million leones or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.

(2) The Council may by order direct that this regulation shall apply to any area in which, in its opinion there is, or is likely to be special difficulty in preserving public safety and maintaining order.

(3) In this regulation, the words "authorised direction" mean any order or direction made or given by a police officer or officer of the armed forces or other person exercising lawful authority.

21. In the event of any outbreak of fire, the person having, in the course of his duty, control of the operations for the extinction of the fire, and any other person authorised by the Council to act under this regulation may take or authorise the taking of such steps, and may give such directions, as appears to him to be necessary for preventing the spread of the fire; and the steps which may be so taken may include entering upon land and the destruction or removal of anything in, on or over any land. Measure for dealing with outbreaks of fire.

22. (1) Notwithstanding anything contained in any of these regulations, any police officer or any member of the armed forces with the approval of the Council may arrest without warrant any person whom he suspects has acted or is about to act in a manner prejudicial to public safety or to public order in any area or to have committed any offence against any of these regulations. Further powers of arrest and detention without warrant.

(2) Any person arrested under sub-regulation (1) shall be taken within twenty-four hours before a police officer of the rank of Superintendent or of a higher rank, or a member of the armed forces of the rank of Lieutenant or of a higher rank who may order the detention in writing of the arrested person in a police cell or a military cell for a period not exceeding twenty-four hours and any such person shall not be further detained or kept in a prison except with the written permission of the Council.

23. (1) Without prejudice to the operation of any enactment, any person who attempts to commit, conspires with any person to commit, incites, suborns or counsels any other person to commit or does any act preparatory to the commission of an offence against any of these regulations shall be deemed to be guilty of an offence against that regulation and shall be punishable in like manner as for that offence. Attempts to commit offence and assisting offenders.

(2) Any person who, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these regulations, gives that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence shall be guilty of an offence against that regulation and punishable in like manner as for such offence.

34. (1) Where on the coming into force of these regulations Savings.
any investigation or matter relating to the subject-matter of the
offences specified in these regulations is pending, all the provisions
of these regulations shall apply in the determination of that investiga-
tion or matter.

(2) Where an offence against these regulations is by any
of these regulations, made punishable either by fine or imprison-
ment or both, proceedings may be taken either under such other law
or under these regulations.

35. In these regulations, unless the context otherwise requires— Interpretation.

“area” means the whole of Sierra Leone;

“armed forces” means the Republic of Sierra Leone
Military Forces;

“censor” means a censor or any assistant censor ap-
pointed under regulation 15;

“commerce” includes any trade or business carried on
for gain or profit or the exchange of merchandise;

“Council” means the National Provisional Ruling
Council established under paragraph 1 of the Pro-
clamation entitled “The Administration of Sierra
Leone (National Provisional Ruling Council) Pro-
clamation, 1992.”

“essential commodities” include rice or other foodstuff,
kerosene, petroleum or other petroleum products
or such other goods essential to the life of the com-
munity as may be prescribed from time to time;

“essential services” include the supply of foodstuff,
electricity, water, the maintenance of good roads
and the nation’s hospitals, communication and the
news media, transport facilities, an efficient fire
force and such other services as may for the time
being be declared to be of public utility or to be
essential to the life of the community;

“goods” include every merchantable commodity;

“hoarding” means obtaining and keeping large quan-
tities of essential commodities in excess of one’s
immediate needs, or the wilful refusal to sell or re-
lease such excess;

“minerals” or “precious minerals” have the same mean-
ing as in section 2 of the Minerals Act;

Cap. 236.

“petroleum” has the same meaning as that assigned to it under section 2 of the Petroleum Act;

Act No. 7 of 1964.

“police officer” has the same meaning as in section 2 of the Police Act, 1964;

Cap. 160.

“postal matter” has the same meaning as in the Post Office Act;

“public corporation” includes a statutory corporation or any company set up entirely out of public funds or funds provided either in whole or in part by or otherwise guaranteed by Parliament;

“publisher” means any printer, editor, proprietor or distributor of a newspaper and every agent or employee or other person acting on the instructions of such editor or proprietor or any person concerned with the management of a newspaper;

“smuggling” means the improper importation or exportation of the national currency with the intention to evade the prohibition or restriction imposed by these regulations or any other law against importing or exporting such currencies or the improper importation or exportation of goods, minerals or essential commodities without payment of, or fraudulently evading, Customs duties contrary to the provisions of these regulations or any other law in force in Sierra Leone;

Cap. 164.

“telegram” has the same meaning as in the Telegraphs Act;

Act No. 62 of 1964.

“vehicle” has the same meaning as in section 2 of the Road Traffic Act, 1964.

MADE this 3rd day of July, 1992.

Issued under my hand,

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