

SIGNED this 14th day of July, 1981.

SIAKA STEVENS,  
*President.*

LS

No. 8



1981

**Sierra Leone**

**The Sierra Leone Export Promotion Council  
Act, 1981**

Short title.

Being an Act to provide for the establishment of an Export Promotion Council; To encourage, promote and develop export trade through export of goods from Sierra Leone; And for matters connected therewith

[16th July, 1981] Date of  
Commence-  
ment.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

## PART I—PRELIMINARY

Interpretation.

1. In this Act, unless a contrary intention appears—

“the Council” means the Sierra Leone Export Promotion Council established by section 2;

“goods” means agricultural produce or manufactured products;

“manufacture” means the commercial transformation of raw materials into finished products but does not include mining or recovering of minerals and “manufactured” shall have a corresponding meaning;

“the Minister” means the Minister for the time being charged with responsibility for matters relating to trade and industry;

“specification” means a description of any goods by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin or other characteristics or material with which goods may be manufactured, produced, processed or treated;

“Standardization Mark” includes any device, brand, heading, label, ticket, pictorial representation, name, signature, work, letter, numeral or any combination thereof;

“Secretariat” means the Export Promotion Secretariat set up in accordance with the provisions of subsection (1) of section 16.

## PART II—ESTABLISHMENT AND CONSTITUTION OF THE EXPORT PROMOTION COUNCIL

Establishment of Export Promotion Council.

2. (1) There is hereby established a body to be known as the Sierra Leone Export Promotion Council (hereinafter referred to as “the Council”) which shall be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The headquarters of the Council shall be located in Freetown.

Membership of the Council.

3. (1) The members of the Council to be known as Directors shall consist of—

(a) a Chairman who shall be appointed by the Minister;

(b) the Permanent Secretary to the Ministry of Trade and Industry or his representative *ex-officio*;

- (c) the Financial Secretary or his representative *ex-officio*;
- (d) the Permanent Secretary to the Ministry of Agriculture and Forestry *ex-officio*;
- (e) the Development Secretary or his representative *ex-officio*
- (f) the Permanent Secretary to the Ministry of Natural Resources and Livestock *ex-officio*;
- (g) the Permanent Secretary to the Ministry of Transport and Communications *ex-officio*;
- (h) the Governor of the Bank of Sierra Leone or his representative *ex-officio*;
- (i) the Solicitor-General or his representative *ex-officio*;
- (j) the Managing Director of the Produce Marketing Board or his representative *ex-officio*;
- (k) two members from the Chamber of Commerce (one each from manufacturing and commercial sectors);
- (l) a member from the Sierra Leone Chamber of Mines.

(2) The Executive Secretary of the Secretariat shall be Secretary to the Council.

(3) The Directors of the Council appointed under paragraphs (a), (k) and (l) of subsection (1) shall hold office for a period of three years, and may, on ceasing to be a member be eligible for reappointment.

(4) The Directors of the Council may co-opt any other person for a specific purpose.

(5) The validity of any proceedings of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

4. (1) The Council may appoint one or more committees to advise it on the exercise and performance of its powers and functions.

Committee,  
appointment,  
constitution  
and scope.

(2) Every such committee shall consist of—

- (a) a Chairman who shall be appointed by the Council from among the members of the Council; and
- (b) not more than five persons (who may or may not be directors of the Council), co-opted to serve on any committee.

Meetings of  
the Council.

5. (1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than four times a year.

(2) The Chairman may at any time, and shall at the request in writing of not less than four directors of the Council summon an extraordinary meeting.

(3) The particulars of the business to be transacted at any meeting or extraordinary meeting shall be circulated to members with the notice of the meeting.

Conduct of  
Meetings.

6. (1) Every question put before the Council at a meeting or an extraordinary meeting shall be decided by a majority of the votes of the members present.

(2) Five members shall form a quorum at any meeting of the Council.

Functions  
of Chair-  
man.

7. (1) The Chairman shall preside at all meetings of the Council, but if he is absent from any meeting of the Council, the members present shall elect one of them to preside at that meeting.

(2) If the Chairman is on leave or if the Chairman is otherwise not available, or is unable to perform his functions, the Minister may appoint any member of the Council to act as Chairman for a specific period.

(3) The Chairman shall at any meeting or extraordinary meeting, have a vote and, in the case of an equality of votes, may exercise a casting vote.

Contracts,  
Seal and  
Legal  
Effects.

8. (1) The Common Seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of the meeting.

(2) The Seal of the Council shall be in the custody of such person as the Council may from time to time determine and shall not be fixed to any document except with the sanction of the Council and in the presence of two members of the Council who shall sign the document in token of their presence.

(3) Any document purporting to be a document duly executed under the common seal of the Council shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.

(4) Any director of the Council or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall disclose forthwith his interest to the Council or the Committee and shall not participate nor vote on any question relating to such contract or arrangement.

9. (1) The directors of the Council may be paid such travelling and other allowance as may from time to time be approved by the Minister in consultation with the Minister in charge of the subject of Finance. Allowances.

(2) Any person co-opted for a specific purpose or work on a committee shall likewise be eligible for such allowances.

10. Subject to the provisions of this Act, the Council may make rules with respect to the holding of meetings, the nature of notice given, the proceedings thereof, the keeping of the inspection of such proceedings and the custody and production for inspection of such minutes. Procedure of Meetings.

### PART III—THE OBJECTS, FUNCTIONS AND POWERS OF THE COUNCIL

11. The objects of the Council shall be—

The objects of the Council.

- (a) to encourage, promote and develop export trade through export of goods from Sierra Leone;
- (b) to diversify the sources of export of goods in order to earn foreign exchange and thereby strengthen the base of the economy of Sierra Leone.

12. The functions of the Council shall be—

Functions of the Council.

- (a) to conduct periodic reviews of the export policy and advise Government on measures to be taken to improve the performance of export of goods in world markets;
- (b) to advise Government on setting up of a flexible machinery to provide Sierra Leone producers and exporters with financing facilities and other incentives for the promotion of export of goods;
- (c) to advise Government on tariff policies in so far as they relate to the export of goods;
- (d) to assist Government in the identification of products with export potential, and in the determination of export targets for various classes of goods with adoption of measures necessary for the attainment of these targets;

- (e) to advise Government on the establishment or provision of trade promotion facilities, including showrooms at important commercial centres both in Sierra Leone and abroad;
- (f) to advise Government on measures designed to eliminate trade malpractices and the setting up of machinery for arbitrating disputes arising between Sierra Leone exporters and foreign importers;
- (g) to engage in promotional publicity in Sierra Leone and abroad, in collaboration with Sierra Leone's trade missions overseas, designed to educate and motivate Sierra Leone producers and to provide information regarding Sierra Leone export potential;
- (h) to develop new markets for old products and new products for old as well as new markets;
- (i) to carry out research into any of the matters mentioned in this section, and to provide advisory services in connection with the promotion of Sierra Leone's export trade;
- (j) to assist in the simplification of export procedures and formalities;
- (k) to examine and evaluate investment needs for growth of export oriented units;
- (l) to assist exporters of goods in product development, adaptation, design, packing and packaging;
- (m) to undertake supply surveys and market studies and to provide training facilities to exporters of goods in the area of international marketing;
- (n) to prepare a Directory of Exporters in Sierra Leone;
- (o) to send study teams and trade delegations overseas and invite trade delegations from other countries to Sierra Leone;
- (p) to compile and issue periodically, publications on matters of interest to the exporting community;
- (q) to organise workshops, seminars and conferences on export promotion;
- (r) to improve standards of quality control and inspection;
- (s) to advise on the allocation and utilization of export promotion funds;

- (t) to supply samples of competing products for improvement of home products; and
- (u) to do all such other acts which are connected with or in furtherance of the exercise of the objects of the Council under this Act;

13. The powers of the Council shall be—

Powers of  
the Council.

- (a) to grant awards and certificates of merit to persons for outstanding contribution in the furtherance of the objects of the Council;
- (b) to prescribe an appropriate registration fee to different categories of exporters on a reasonable classification;
- (c) to acquire property and construct buildings to achieve the objects of the Council;
- (d) to invest the surplus funds to generate income; and
- (e) to do all such things as are necessary for or incidental or conducive to the attainment of the functions of the Council or necessary for or incidental to the performance of the Council or which are calculated directly or indirectly to increase export of goods in Sierra Leone.

14. (1) It shall be lawful for the Council or any officer generally or specially authorised by the Council to call for any information on the production, collection or processing of any export goods, from any person or organization.

Power to  
call for  
any informa-  
tion or  
exporters.

(2) The Chairman with the approval of the directors may convene a general assembly of all registered exporters whenever they deem it necessary but not less than once in any financial year.

#### PART IV—OFFICERS AND SERVANTS OF THE COUNCIL

15. (1) The Council shall, in consultation with the Public Service Commission, appoint such officers, servants and agents as it considers necessary for the efficient exercise, performance and discharge of its powers, duties and functions.

Appoint-  
ment of  
officers ser-  
vants and  
agents.

(2) The officers, servants and agents shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by rules made by the Council in consultation with the Public Service Commission.

(3) At the request of the Council any officer in the Public Service may, in accordance with laid down procedures, be temporarily appointed to the staff of the Council for such period as may be determined by the Council or be permanently appointed to such staff.

Export  
Promotion  
Secretariat.

16. (1) The day to day work of the Council shall be carried out by the Secretariat, which shall be headed by the Executive Secretary.

(2) The Secretariat shall be organized in such a manner to achieve the objects of the Council.

Powers of  
the Council  
to give direc-  
tives.

17. The Council may through its Chairman give the Secretariat directives of a general or special nature relating to any particular matter (but not to any individual person or case) with regard to the performance and discharge of functions and powers of the Council; and it shall be the duty of the Executive Secretary to comply with such directives.

#### PART V—FINANCE

Establish-  
ment and  
operation of  
a fund by  
the Council.

18. (1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the Consolidated Fund—

(a) such sums as may from time to time be granted to the Council by Parliament;

(b) all monies raised for the purpose of the Council by way of gifts, grants-in-aid, testamentary dispositions and sales from publications;

(c) all subscriptions, fees and charges for services rendered by the Council or the Secretariat and all other sums that may accrue to them from any source; and

(d) fees paid by exporters for registration.

Accounts  
and Audits.

19. The Council shall keep proper accounts of its receipts, payments, assets and liabilities and shall submit the same once every year for auditing by the Auditor-General.

Annual  
Report.

20. The Council shall prepare and submit to Parliament in each financial year a report in such form on the activities of the Council during the preceding financial year, and shall include in the report a copy of the audited accounts of the Council for that year and the report of the Auditor-General.

Expendi-  
tures of the  
Council.

21. The Council may from time to time apply funds established in pursuance of section 18 for the following purposes—

- (a) cost of administration of the Council and any research work carried out by or on behalf of the Council;
- (b) provision of such training for the employees of the Council as the Council may deem necessary;
- (c) reimbursing members of the Council and the committees of the Council for such expenses as may be expressly authorised by the Council; and
- (d) all or any of its functions under this Act or any other law for the time being in force.

22. The provisions of the Government Corporations (Financial Control) (No. 2) Act, 1966 shall apply, *mutatis mutandis*, to the financial control of the Council.

Application of provisions of Act No. 27 of 1966.

23. (1) The Minister may, in consultation with the Council, by Order published in the *Gazette*—

Power of the Minister to declare compulsory standard specifications.

- (a) declare a compulsory standard specification for any export goods or for the manufacture, production, processing or treatment of any such goods, with effect from the date specified in that Order;
- (b) prescribe in respect of such compulsory standard specification distinctive marks for any such export goods which have been manufactured, produced or treated in accordance with that specification.

(2) If the Order proposed to be made under subsection (1) relates to any export goods or the manufacture, production, processing or treatment of any such goods, which is the subject matter of any other written law, the Order shall be made by the Minister with the concurrence of the Minister to whom such subject or function of such other law has been assigned.

24. The Minister may, in consultation with the Minister in charge of finance, make Regulations in respect of the Export Credit Guarantee Scheme established under the Bank of Sierra Leone to serve the best interest of exporters of goods and the Bank of Sierra Leone.

Export Credit Guarantee Scheme.

25. Any person who contravenes or fails to comply with any provision of this Act or of any Regulations made thereunder shall be guilty of an offence and shall be liable to a fine not exceeding one thousand leones or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Offences.

Power to  
make Regu-  
lations.

26. (1) The Minister may, with the approval of Council make Regulations for carrying into effect the provisions of this Act.

(2) In particular, but without prejudice to the generality of the powers conferred by subsection (1), the Minister may make Regulations—

- (a) to provide for any gaps in the existing law in respect of payments relating to shipping, freight, brokerage, warehouses, or any other charges in relation to export of goods;
- (b) to provide for any gaps in the existing law relating to insurance, credit, quality control, standardization and internal transport of export goods;
- (c) to make provision for the investment of surplus funds of the Council;
- (d) to establish export houses with corporate status and to regulate the activities of joint export groups and to co-ordinate other organisations connected with export trade; and
- (e) to make provision for any matter for which Regulations are authorised or required to be made by this Act.

Passed in Parliament this *15th* day of *April*, in the year of our Lord one thousand nine hundred and eighty-one.

J. W. E. DAVIES,  
*Clerk of Parliament.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. W. E. DAVIES,  
*Clerk of Parliament.*