

ACT

Supplement to the Sierra Leone Gazette Extraordinary Vol. CXXVII, No. 78
dated 23rd December, 1996

Enacted this 18th day of December, 1996.

ALHAJI AHMAD TEJAN KABBAH,
President.



No. 3



1996

The National Provisional Ruling Council Decrees Short title.
(Repeal and Modification) Act, 1996

*Being an Act to repeal, modify and incorporate certain
National Provisional Ruling Council Decrees into the Laws of
Sierra Leone and for other matters connected therewith.*

[23rd December, 1996]

Date of
enactment.

*Enacted by the President and Members of Parliament in this
present Parliament assembled.*

Certain NPRC
 Decrees and
 Public Notices
 repealed.
 Existing
 Decrees to be
 cited as Acts.

1. The Decrees and the Public Notices specified in the First Schedule are repealed.

2. (1) Subject to section 1, the Decrees specified in Parts I and II of the Second Schedule and any amending Decrees in existence immediately before the coming into operation of this Act, shall be known and cited as Acts and, accordingly, in the titles of each of those Decrees, there is hereby substituted for the word "Decree," the word "Act".

(2) In addition to the amendment effected by subsection (1), the Decrees specified in Part II of the Second Schedule are further amended in the manner set out therein.

Forfeitures
 and
 expropria-
 tions, etc.,
 not affected
 by repeal

3. For the avoidance of any doubt, the repeal of the enactments specified in the First Schedule shall not affect the previous operation of any of them and the freezing of any asset or the expropriation or forfeiture of any property done under any of them shall remain in effect until otherwise directed by the President.

FIRST SCHEDULE (Section 1)

DECREEES AND PUBLIC NOTICES REPEALED

No.	Title
1992 Decrees	
1	The National Provisional Ruling Council (Appointment of Representatives) Decree.
2	The Freezing of Assets Decree.
3	The Imposition of Curfew Decree.
4	The Commissions of Inquiry (Additional Powers) Decree.
5	The Commissions of Inquiry Act as amended by the Commissions of Inquiry (Amendment) Decree.

No.	Title
1992 Decrees	
6	The Prevention of Corruption Decree.
8	The National Provisional Ruling Council (Establishment of Council of Secretaries) Decree.
9	The National Provisional Ruling Council (Establishment of Office of Principal Liaison Officer) Decree.
12	The Treason and Other Serious Offences (Special Military Tribunal) Decree.
P. N. No. 25	Public Emergency Regulations, 1992.
1993 Decrees	
7	The Attorney-General and Secretary of State for Judicial Affairs (Qualification) Decree.
1994 Decrees	
2	The National Provisional Ruling Council (Expropriation of Specified Companies) Decree.
1995 Decrees	
8	The Prohibition of Specified Persons from Holding Public Office Decree.
1996 Decrees	
1	The Electoral Laws (Abridgement of Nomination Requirements) Decree.
3	The Franchise and Electoral Registration (Suspension of Objection Provisions) Decree.
6	The Indemnity and Transition Decree except Section 4
9	The Pensions and Other Retiring Benefits of Presidents and Vice-Presidents Act (Amendment) Decree.
N. No. 11	The National Provisional Ruling Council (Adaptation of References to Individual Officeholders) Order, 1996.

SECOND SCHEDULE

(Section 2)

PART I — DECREES ADOPTED AS ACTS OF PARLIAMENT

1993 Decrees

- 3 The Insurance (Compulsory Legal Cession) Act (Repeal) Decree.
- 6 The Public Enterprises Reform (Acquisition of Government Securities) Decree.
- 8 The Bank of Sierra Leone (Reconversion of Outstanding Irredeemable Government Stocks) Decree.
- 9 The Penalties (Amendment of Specified Fines) Decree.
- 10 The Public Enterprise (Reform) Decree.
- 23 The Sierra Leone Export Development and Investment Corporation Decree.
- 24 The Development of Industries (Repeal) Decree.

1994 Decrees

- 4 The National Commission for Basic Education Decree.
- 7 The Road User Charges Decree.
- 11 The Anatomy Decree.
- 14 The Demolition of Unauthorised Buildings and Other Structures (Indemnity) Decree.

1995 Decrees

- 2 The External Telecommunications Tax Decree.
- 5 The Sales Tax Decree.
- 6 The Sierra Leone Postal Services Limited (Assumption of Statutory Functions) Decree.
- 10 The Republic of South Africa (Repeal) Decree.

No.	Title
1995 Decrees	
11	The Advisory Council (Establishment) (Repeal) Decree.
12	The Koidu Kimberlite Project Mining Lease Agreement (Ratification) Decree.
16	The Electoral Provisions Decree.
1996 Decrees	
2	The Standards Decree.
11	The Maritime Zones (Establishment) Decree.
12	The National Commission for Relief, Rehabilitation and Reconstruction Decree.

PART II — DECREES ADOPTED AS ACTS OF PARLIAMENT WITH AMENDMENTS

1994 Decrees

5

THE MINES AND MINERALS DECREE

Section 72 is repealed and replaced with the following:—

“72. (1) Subject to the approval of the Minister, the holder of a mining lease may transfer his lease to any person who qualifies for such a lease under this Decree.

(2) Any person seeking to transfer a mining lease, shall apply to the Minister in that behalf, giving such details of the qualifications of the proposed transferee and such other information as the Minister may require on the advice of the Board, together with such other details as may be prescribed.

(3) The Minister shall, if so advised by the Board, and subject to such conditions as he may consider necessary

or expedient, approve the transfer of the mining lease and the transferee shall assume and be responsible for all rights, liabilities and duties of the transferor under the mining lease prior to the transfer.”.

12 THE MEDICAL PRACTITIONERS AND DENTAL SURGEONS DECREE

(1) In section 3 —

- (a) for the full-stop occurring after the word “State” in paragraph (f) of subsection (1) substitute a colon and insert the following proviso:—

“Provided that each of the representatives referred to in paragraphs (b) to (e) shall be a medical practitioner or, as the case may be, a dental surgeon with not less than ten years’ experience as a medical practitioner or dental surgeon.”;

- (b) in subsection (2), for the word “ten” occurring after the words “not less than”, substitute the word “fifteen”.

(2) In section 7 —

- (a) in subsection (2) delete the words “of subsection (2) of this section” occurring in paragraph (b) and insert a fullstop immediately after the word “(a)”;

- (b) for subsection (3) substitute the following:—

“(3) A medical practitioner shall, before being registered under this section, pay a fee to be prescribed by the Council”.

(3) In section 17 —

- (a) renumber the present section as subsection (1);
and

(b) insert the following new subsections:—

“(2) The registers kept under section 8 of the Medical Practitioners and Dental Surgeons Act, 1966 and in existence immediately before the coming into operation of this Decree, shall be deemed to be the registers referred to in subsection (1) and shall be brought up to date and otherwise maintained as if kept under this Decree.

(3) The registration of any person whose name and other particulars appear on a permanent register under paragraph (a) or (b) of subsection (1), shall be renewed annually upon the payment by that person of a fee to be prescribed by the Council and the name of such person may be removed from the register if he refuses or fails, without any reasonable excuse, to pay the fee so prescribed.”.

(4) Section 32, is repealed and replaced with the following:—

“Appointment of Registrar.

32. (1) There shall be a Registrar who shall be appointed by the Council for a term not exceeding five years.

(2) No person shall be appointed as a Registrar, unless —

(a) he is a medical practitioner or a dental surgeon; and

(b) he has proven knowledge and experience in public administration.”.

(5) Section 44 is repealed and replaced with the following:—

“Repeal of Act No. 3 of 1966 and saving.

44 (1). The Medical Practitioners and Dental Surgeons Act, 1966, is repealed.

(2) Notwithstanding the repeal of the Medical Practitioners and Dental Surgeons Act, 1966, any

register kept thereunder and any registration made or certificate issued thereunder shall, subject to subsection (4) of section 10 and subsections (2) and (3) of section 17, remain valid.”

15. THE NATIONAL COMMISSION FOR DEMOCRACY
DECREE

- (1) The short title is repealed and replaced with the following new title:—

“The National Commission for Democracy and Human Rights Decree, 1994”.

- (2) The long title is repealed and replaced with the following new title:—

“Being a Decree to establish the National Commission for Democracy and Human Rights and for other related purposes”.

- (3) Section 1 is repealed and replaced with the following new section —

“Establishment
of Commission.

1. There is hereby established a body to be known as the National Commission for Democracy and Human Rights (hereinafter referred to as “the Commission”).”.

- (4) Section 2 is repealed and replaced with the following new section:—

“Composition
of Commission.

2. (1) The Commission shall consist of a Chairman and four other members to be known as Commissioners.
- (2) The Chairman and the other members of the Commission shall be appointed

by the President and shall hold office for a term not exceeding five years, subject to such terms and conditions as may be fixed in their respective letters of appointment and any such appointment may be renewed as and when necessary:

Provided that no person shall be appointed or hold office as a Chairman or member of the Commission if he is or becomes a member of a political party.

- (3) The Chairman or a member of the Commission may resign his office by written notice addressed to the President and may be removed from office by the President only for inability to perform the functions of his office, whether arising from infirmity of body or mind or for stated misconduct.
- (4) The Chairman, other members of the Commission and the staff of the Commission shall be paid such pension and gratuity as may be provided in regulations made under section 10.”.
- (5) In subsection (1) of section 3, paragraphs (e) to (g) are repealed and replaced with the following new paragraphs:—
 - “(e) investigate on its own or on complaint by any person any contravention of the fundamental human rights protected by the Constitution, and take such steps as may be necessary for the abatement of such contravention, including associating itself with all efforts aimed generally at ensuring the observance of the human rights of the individual;

- (f) recommend to the President effective measures for the promotion of human rights, including compliance by Sierra Leone with any international treaty obligations on human rights;
- (g) assess for the attention of the President, the limitations to the achievement of true democracy as a result of existing inequalities in the population and make recommendations for redressing those inequalities;
- (h) develop and disseminate programmes geared towards —
 - (i) the cultivation of a sense of nationalism, patriotism and loyalty to the State in every citizen; and
 - (ii) prompting the citizenry to render assistance to appropriate and lawful agencies in the maintenance of law and order in the country;
- (i) submit an annual report of its activities to the President, a copy of which shall be laid or caused to be laid before Parliament by the President; and
- (j) do all such other things as are necessary for the efficient performance of its functions specified in this section.”.

(6) Immediately after subsection (3), insert the following new subsection:—

“ (4) In the performance of its functions under this section, the Commission shall not be subject to the control or direction of any person or authority.”

(7) Section 7 is repealed and replaced with the following new section:—

“Expenses of
Commission.

7

The salaries and allowances, pensions and gratuities for which provision may be made under section 10,

as well as other administrative expenses of the Commission shall be a charge upon the Consolidated Fund.”.

17.

THE LAW REFORM COMMISSION DECREE

(1) Section 1 is repealed and replaced with the following new section:—

*“Establishment
of Commission.”*

1. There is hereby established a body to be known as the Law Reform Commission (hereinafter referred to as “the Commission”).”.

(2) In section 3, for subsections (1) and (2) substitute the following:—

*“Functions of
Commission.”*

3. (1) The Commission shall keep under review all the law both statutory and otherwise, from time to time in force in Sierra Leone for the purpose of their reform, development, consolidation and codification.

(2) In the performance of its functions under subsection (1), the Commission shall prepare and submit to the Attorney-General and Minister of Justice recommendations for —

- (a) eliminating anomalies and other defects in any branch of the law;
- (b) repealing obsolete and outdated enactments;
- (c) consolidating enactments; and
- (d) generally, developing, modernising and bringing the law up to date.”.

18. THE COUNCIL FOR LAW REPORTING DECREE

Section 1 is repealed and replaced with the following new section:—

“Establishment
of Council.

1. There is hereby established a body to be known as the Council for Law Reporting (hereinafter referred to as “the Council”).”.

19. THE FISHERIES (MANAGEMENT AND DEVELOPMENT) DECREE

Section 5 is repealed.

1995 Decrees

7 THE POLITICAL PARTIES DECREE

The definition of “district” in section 1 is repealed.

14 THE POLITICAL PARTIES (REGULATION OF CONDUCT) DECREE

The definition of “non-citizen” in section 1 is repealed.

15 THE FRANCHISE AND ELECTORAL REGISTRATION DECREE

- (1) In section 7, paragraphs (a) to (d) are repealed and replaced with the following new paragraphs:—

“(a) a non-citizen; or

(b) a lunatic within the meaning of any law in force in Sierra Leone.”.

- (2) In section 12, delete the words “within fifteen days of the publication of such notice”.

- (3) In section 13, delete the words “within the period of fifteen days specified in section 12, every” and replace them with the word “Every”.

17. THE PRESIDENTIAL ELECTIONS DECREE

- (1) Section 10 is repealed and replaced with the following new section:—

"Political party
to nominate
fresh candidate.

10. Where before the close of nomination at a presidential election, a presidential candidate dies, is incapacitated or disqualified, or withdraws his candidature, the party which nominated him may, within seven days of such death, incapacitation or disqualification or withdrawal of candidature, nominate another candidate."

(2) Subsection (1) of section 18 remains as if the Presidential Elections (Amendment) Decree, 1996 (Decree No. 5 of 1996) had never been enacted.

Passed in Parliament this 5th day of *December*, in the year of Our Lord one thousand nine hundred and ninety-six.

J. A. CARPENTER,
Acting 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. A. CARPENTER,
Acting Clerk of Parliament.