

SIGNED this 10th day of November, 1975.

SIAKA STEVENS,
President.

LS



No. 20

1975

Sierra Leone

The Companies (Amendment) Act, 1975

Short title.

(27th April, 1961). Date of commencement.

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

1. This Act shall be deemed to have come into operation on the 27th day of April, 1961. Commencement.
2. Subsection (1) of Section 249 of the Companies Act is hereby repealed and replaced by the following new subsection— Amendment of Sec. 249 (1) of Cap. 249.

Preferential
Payments.

(1) In the winding up of a company carrying on business in Sierra Leone with assets located in Sierra Leone at the relevant date of such winding up, whether or not such company is registered in Sierra Leone, the Liquidator shall utilise the said assets or the sums derived from the sale thereof for the payment in priority to all other debts, whether secured or not, of—

- (a) all taxes, rates, cash loans or other debts whether payable to the State or to a local authority, due from the company at the relevant date:

Provided that any grant, whether in the form of money or services, made to the company by the State for purposes of facilitating such winding up or of safeguarding such assets shall be deemed to be a loan payable to the State due from the company if made with the consent of the company before the relevant date;

- (b) all wages or salary (whether or not earned wholly or in part by way of commission) of any clerk or servant in respect of services rendered to the company during four months next before the relevant date, not exceeding five hundred leones;
- (c) all wages of any workman or labourer not exceeding one hundred leones, whether payable for time or for piece work, in respect of services rendered to the company during two months next before the relevant date:

Provided that where any labourer has entered into a contract for the payment of a portion of his wages in a lump sum at the end of the year of hiring, he shall have priority in respect of the whole of such sum, or a part thereof, as the Minister of Labour may decide to be due under the contract, proportionate to the time of service up to the relevant date;

- (d) unless the company is being wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company or unless the company has at the commencement of the winding up under such a contract with insurers as is mentioned in section 28 of the Workmen's Compensation Act, right capable of being transferred to and vested in the workman, all amounts due in respect of any compensation or liability for compensation under the said Act accrued before the relevant date as well as all pensions, gratuities and other financial benefits due under any provident schemes or arrangements of the said company;

(e) unless the company is incorporated in Sierra Leone under this Act, all amounts owing by the Company to local creditors, being Sierra Leoneans or enterprises carrying on business in Sierra Leone, in respect of goods and services proved to the satisfaction of the Minister of Trade and Industry to have been supplied to the company within twelve months of the effective date in respect of its operational requirements.”.

Passed in Parliament this 20th day of October in the year of our Lord one thousand nine hundred and seventy-five.

M. MUNU,
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.

M. MUNU,
Clerk of Parliament.