

PUBLIC NOTICE No. 3 OF 1999.

*Published 22nd April, 1999.*

*THE CONSTITUTION OF SIERRA LEONE*  
*(Act No. 6 of 1991)*

Short title.

THE PUBLIC EMERGENCY REGULATIONS, 1999

IN EXERCISE of the powers conferred upon him by subsection (5) of Section 29 of the Constitution of Sierra Leone, 1991, the President hereby makes the following regulations:

Commence-  
ment.

1. These regulations shall be deemed to have come into operation on the 10th day of March, 1999.

Detention,  
Restriction,  
and  
Deportation  
Orders.

2. The President may, if in his opinion it is necessary, for the purpose of maintaining and securing peace, order and good government in Sierra Leone, make an Order—

- (a) directing that any 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 in such place and under such conditions as the President may from time to time determine and shall, while so detained, be deemed to be in legal custody;
- (b) imposing upon any person, not being a citizen of Sierra Leone, such restrictions as may be specified in the order in respect of the movement of that person within defined localities;
- (c) directing that any person named in such Order, not being a citizen of Sierra Leone, shall leave Sierra Leone within a time to be

specified in the Order, and such person shall leave Sierra Leone accordingly and remain out of Sierra Leone for such period as may be specified in the Order, and that the person or persons named in such Order shall be prohibited from entering Sierra Leone.

3. (1) No person, except a member of any authorised security force operating in Sierra Leone and duly authorised to possess and carry arms, shall have in his possession or under his control any arms, ammunition or explosives. Control of arms, etc.

(2) Any person knowing or having reasonable cause to believe that any person, other than a member of any authorised security force operating in Sierra Leone and duly authorised to possess and carry arms, is in possession or control of any arms, ammunition or explosives shall, as soon as is reasonably possible, report that fact to the appropriate authorities.

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

(a) on summary conviction to a fine not exceeding one million 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 not exceeding ten million leones or to a term of imprisonment not exceeding ten years, or to both such fine and imprisonment.

4. (1) The President may, if in his opinion it is necessary in the public interest and for the maintenance of supplies and services essential to the life of the community, make an Order— Requisition of property.

(a) requisitioning any property, other than land;

(b) requisitioning any article or articles of food;

- (c) distributing or directing the distribution of any property or articles of food so requisitioned;
- (d) requiring persons or institutions to provide storage for any property or articles of food requisitioned or which may be in the possession of Government;
- (e) requiring persons to transport any property or articles of food specified in the Order to such place as shall be named in that Order.

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

Suspension of  
operation of  
law.

Act No. 6 of  
1991.  
Act No. 32 of  
1965.

5. The President may, for the purpose of expediting the trials of offenders and appeals arising therefrom and restoring, maintaining and securing peace, order and good government in Sierra Leone or any part thereof, make an Order suspending the operation of any law, other than the Constitution of Sierra Leone, 1991, or some provisions of any law including the Criminal Procedure Act, 1965 and any procedural rules relating to appeals in criminal cases.

Tracing and  
recovery of  
property.

6. (1) The President may, for the purpose of tracing and recovering any property, including money, belonging to the Government of Sierra Leone or a Public Corporation, where such property was unlawfully received by any person and which is in the custody or possession of any person, bank or other institution, make an Order for effecting the recovery of such property or money by the use of all necessary or expedient measures, including the production of bank accounts, the freezing of such accounts and the production of all relevant books of accounts or documents of title.

(2) The President may, for the purpose of tracing and recovering property or money that was unlawfully acquired by, or is in the possession of, any person where such property or money was

received in circumstances deemed to be unlawful, make an order directing the tracing, seizure and recovery of such property or money, and the return of such property or money to its rightful owner.

7. The President may, for the purposes of maintaining and securing peace, order and good government in Sierra Leone make an Order imposing a curfew throughout Sierra Leone or in any part thereof as shall be specified in such order and every order made pursuant to this regulation shall state the conditions governing the Order.

8. (1) No person, not being a member of the Sierra Leone Police Force or any authorised security forces operating in Sierra Leone, shall wear, or be in possession or custody of, any article of military or police uniform or any imitation thereof.

Possession or custody of military or police uniform prohibited.

(2) Any person, who having information or knowledge of any person unlawfully wearing or being in possession or custody of any article of military or police uniform or any imitation thereof shall, as soon as is reasonably possible, report that fact to the appropriate authorities.

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

- (a) on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;
- (b) on conviction on indictment to a fine not exceeding one million leones or to a term of imprisonment not exceeding five years, or to both such fine and imprisonment.

9. (1) No person shall—

Smuggling.

- (a) smuggle or attempt 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) aid and abet the commission of the offence of 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 have committed the offence of smuggling.

(3) Any person who contravenes the provisions of sub-regulations (1) and (2) commits an offence and shall be liable on conviction on indictment—

(a) 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

(b) to 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.

13. (1) No person shall publish any report or statement which is likely to cause alarm or despondency or be prejudicial to the public safety, the public tranquillity or the maintenance of public order. Publication of disturbing reports.

(2) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

14. (1) No person shall publish any report statement or rumour which he knows to be false or has not verified from the appropriate authority to be true where such report, statement or rumour is likely to cause alarm, fear or despondency in any part of Sierra Leone or be prejudicial to the public safety, the public tranquility or the maintenance of public order. False Reports.

(2) No person shall cause any wasteful employment of the Police or a member of any authorised security force operating in Sierra Leone 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 person or property, or tending to show that such persons has information material to any inquiry.

(3) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term of not more than two years, or to both such fine and imprisonment.

15. (1) Notwithstanding the provisions of any enactment to the contrary, no person shall attempt to commit, conspire with any person to commit, incite, suborn or counsel any other person to commit or do any act preparatory to the commission of an offence under any of these regulations. Attempts to commit offence and assisting offenders.

(2) Any person who contravenes the provisions of sub-regulation (1) shall be deemed to have committed an offence under that Regulation and shall be punishable in like manner as for that offence.

(3) Any person who, knowing or having reasonable cause to believe that another person has committed an offence under 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, commits an offence and shall be punishable in like manner as for such offence.

Service of notices and Orders.

16. Without prejudice to any special provisions contained in any of these Regulations or any Order made thereunder, a notice to be served on any person for the purpose of any of these Regulations or any Order made thereunder may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Powers of the President.

17. The powers conferred by any of these regulations or any order made thereunder shall be in addition to and not in derogation from any other rights or powers vested in the President or conferred on him by law on any other authority or person.

Penalties.

18. Any person who contravenes or fails to comply with any of the Regulations, or any Order or rule made under any of these Regulations or any directions given or requirement imposed under any of these Regulations, commits an offence and where no penalty is otherwise provided, shall be liable, on summary conviction, to a fine not exceeding one hundred thousand leones, or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

Publicity of Order.

19. When any Order is made under the provisions of these Regulations, the President, or other authority issuing the Order, shall cause notice of the effect of such order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the Order.

Interpretation.

20. In these regulations, unless the context otherwise requires—

“appropriate authorities” means a member or members of the Sierra Leone Police Force not below the rank of Superintendent or the Commanding Officer of a division of any authorised security force operating in Sierra Leone or some other officer designated by the said force

for disseminating information to the public about the operations of the said force;

“essential commodities” include rice or other foodstuff, kerosene, petroleum or other petroleum products or such other goods essential to the life of the community 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 hospital, communication and the news media, transport facilities, an efficient fire force and other such 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 quantities of essential commodities in excess of one’s immediate needs, or the wilful refusal to sell or release such excess;

“petroleum” has the same meaning as that assigned to it under Section 2 of the Petroleum Act; Cap. 236.

“police officer” has the same meaning as in Section 2 of the Police Act, 1964; Act No. 7 of 1964.

“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;

“smuggling” means the improper importation or exportation of the national currency with the intention to evade the prohibition or restriction imposed by the 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;

Act No. 62 of  
1964.

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

MADE this *14th* day of *April*, 1999.

Issued under my hand,

ALHAJI AHMAD TEJAN KABBAH,  
*President.*