

Amended by Decree  
NO 1 of 1995

N.P.R.C.  
Decree No. 2



1992

Sierra Leone

**The Freezing of Assets Decree, 1992**

Being a Decree to make provision for the freezing of Assets  
of certain persons, and for related matters

Short title.

Date of  
commence-  
ment.

PURSUANT TO paragraph 3 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992", published in the *Gazette* on the 4th day of May, 1992, the National Provisional Ruling Council hereby makes and issues the following Decree:—

Sale, etc. of assets to be void.

1. No sale, lease, mortgage, transfer or other alienation, as the case may be, of any asset specified in Part I of the Schedule hereto being an asset owned wholly or partly or controlled directly or indirectly by any of the persons specified in Part II of the Schedule shall be valid unless the sale, lease, transfer or other alienation made with the prior approval in writing of the National Provisional Ruling Council.

Sales and other alienation made after 29th April, 1992 but before commencement of Decree to be void.

2. Any sale, lease, mortgage, transfer or other alienation, as the case may be, of any asset specified in Part I of the Schedule hereto which was made on or after the 29th day of April, 1992, but before the commencement of this decree, shall be deemed to be void, unless the National Provisional Ruling Council approves the sale, lease, transfer or other alienation.

Withdrawal of money prohibited except with the permission of the N.P.R.C.

3. (1) Except with the permission in writing of the National Provisional Ruling Council, no person specified in Part II of the Schedule hereto shall withdraw or authorise the withdrawal of any sum of money from all his bank accounts.

(2) For the purpose of this section the word "withdrawal" includes any transfer of money whatsoever.

Securities not to be taken from bank.

4. Except with the permission in writing of the National Provisional Ruling Council, no person shall obtain from any bank any security or other valuable or any document relating to any such security or valuable, deposited with any bank for safe keeping by any of the persons specified in Part II of the Schedule.

Banks not to part with securities.

5. Except with the permission in writing of the National Provisional Ruling Council, no banker shall deliver to any person or otherwise part with any deposit, security or other valuable, or document referred to in Section 4.

Duty of bankers to give certain information relating to accounts of persons specified in Part II of the Schedule.

6. Every banker shall give any information in his knowledge or possession concerning any account referred to in section 3 of this Decree, which may be requested from him by any person authorised in writing by the National Provisional Ruling Council.

7. Every banker shall give any information in his knowledge or possession concerning any security or other valuable, or document referred to in section 4 of this Decree, which may be requested from him by any person authorised in writing by the National Provisional Ruling Council.

Bankers to give information relating to securities.

8. Where any complaint is lodged or any information is given to the National Provisional Ruling Council or to a member of the Armed Forces or to the Police to investigate any person suspected of having appropriated to himself or mis-appropriated or stolen or dishonestly obtained or embezzled or fraudulently applied or disposed of any public funds belonging to the Government, a Local Authority or a Public Corporation, or property belonging to any of these bodies, the National Provisional Ruling Council shall cause an application to be made *ex parte* by summons to a Magistrate or Judge for an Order which shall be made as of course freezing any account or accounts operated by or in the name of the person against whom the complaint has been lodged or the information laid, or in any other name, or an account of which he is a signatory.

Power of Court to freeze account.

9. Any certificate signed by the Chairman or the Deputy Chairman of the National Provisional Ruling Council—

Any certificate signed by the Chairman or Deputy Chairman of the N. P. R. C. to be conclusive for all purposes of this Decree.

(a) stating whether or not any person mentioned in the certificate falls within the class of persons specified in Part II of the Schedule to this Decree; or

(b) stating whether or not any asset specified in the certificate is owned by any person falling within the class of persons specified in Part II of the Schedule to this Decree being the person mentioned in the certificate; or

(c) stating whether or not any account mentioned in the certificate is the account of any person specified in Part II of the Schedule to this Decree; or

(d) stating whether or not any security, thing or document is one to which this Decree applies;

shall be conclusive for the purposes of any provision of this Decree to which the certificate relates.

Prohibition on removal, etc. of realty or personality.

10. No person specified in Part II of the Schedule hereto shall remove, cause or permit to remove, take any step to remove, dispose of, diminish or in any way whatsoever deal with any of the property referred to in Part I of the Schedule, except with the prior approval in writing of the National Provisional Ruling Council.

Offence and penalty.

11. (1) Any person who contravenes any provision of this Decree shall be guilty of an offence and liable—

(a) on summary conviction to a fine of not less than two 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 of not less than ten million leones or to imprisonment not exceeding seven years or to both such fine and imprisonment.

(2) Where an offence under this Decree is committed by a body of persons then, subject to sub-section (3) of this section, the following provision shall have effect, that is to say—

(a) where the body of persons is a body corporate (other than a partnership) every director or officer of that body corporate shall be deemed also to be guilty of that offence and shall be punished in accordance with subsection (1) of this section;

(b) where the body of persons is a partnership, every partner therein shall be deemed also to be guilty of that offence and shall be punished in accordance with subsection (1) of this section.

(3) No person shall be deemed to be guilty of an offence under subsection (2) if he proves that the act in respect of which he is charged was committed by some persons other than himself and that the act was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the act as he ought to have exercised, having regard to all the circumstances.

Restriction on disposition, etc. by company.

12. No Private Company—

(a) which is in any way controlled, whether directly or indirectly, by a person specified in Part II of the Schedule hereto, or

(b) having a share capital more than one-half of which is held beneficially by or on behalf of or in trust for persons specified under Part II of the Schedule, shall sell, lease, mortgage, transfer, dispose of, interfere with, charge, dissipate, diminish, remove, or cause to be removed any asset listed under Part I of the Schedule within Sierra Leone or outside Sierra Leone.

13. Nothing in this Decree shall affect the sale, lease, transfer or other disposition of any asset in pursuance of any Order made by any competent Court or in compliance with the provisions of any enactment. Saving.

14. In this Decree unless the context otherwise requires— Interpretation.

"bank" means any company carrying on banking business in Sierra Leone or outside Sierra Leone;

Cap 249 "company" means any company registered under the Companies Act or a company incorporated outside Sierra Leone, which has complied with Part IX of the Companies Act;

Cap. 196. "minerals" or "precious minerals" have the same meaning as in Section 2 of the Minerals 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;

"securities" includes shares, stock, bonds, debentures, debenture stocks, units under a unit trust scheme and shares in an oil royalty; bearer certificates, coupons and warrants representing dividends and interests, any letter of allotment which may be renounced, letter of rights, warrants conferring an option to acquire a security, deposit certificates in respect of securities and such other document conferring or evidencing rights as may be prescribed by the Chairman from time to time.

(b) having a share capital more than one-half of which is held beneficially by or on behalf of or in trust for persons specified under Part II of the Schedule, shall sell, lease, mortgage, transfer, dispose of, interfere with, charge, dissipate, diminish, remove, or cause to be removed any asset listed under Part I of the Schedule within Sierra Leone or outside Sierra Leone.

13. Nothing in this Decree shall affect the sale, lease, transfer or other disposition of any asset in pursuance of any Order made by any competent Court or in compliance with the provisions of any enactment. Saving.

14. In this Decree unless the context otherwise requires— Interpretation.

“bank” means any company carrying on banking business in Sierra Leone or outside Sierra Leone;

Cap 249 “company” means any company registered under the Companies Act or a company incorporated outside Sierra Leone, which has complied with Part IX of the Companies Act;

Cap. 196. “minerals” or “precious minerals” have the same meaning as in Section 2 of the Minerals 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;

“securities” includes shares, stock, bonds, debentures, debenture stocks, units under a unit trust scheme and shares in an oil royalty; bearer certificates, coupons and warrants representing dividends and interests, any letter of allotment which may be renounced, letter of rights, warrants conferring an option to acquire a security, deposit certificates in respect of securities and such other document conferring or evidencing rights as may be prescribed by the Chairman from time to time.

## THE SCHEDULE

Sections 1, 3, 4, 9, 10 and 12

## PART I

Any building, land, bonds, shares in a company, stock or other securities, motor boats, machinery, mining equipment; car, lorry and such other vehicle, gold, diamonds and other minerals or precious minerals; bank accounts, bank notes or exchange security accounts or any such property.

## PART II

1. All persons who were Presidents, Vice-Presidents, Ministers, Ministers of State or Parliamentary Special Assistants between the 1st day of June, 1986 and the 22nd day of September, 1991, their respective servants or agents or their estates.
2. All Public Officers in respect of whom some complaint would have been lodged or any information would have been laid for any period between the 1st day of June, 1986 and the 22nd day of September, 1991.
3. Members of the Board and employees or ex-employees of Public Corporations in respect of whom some complaint would have been lodged or any information would have been laid for any period between the 1st day of June, 1986 and the 22nd day of September, 1991.
4. Such other persons as the National Provisional Ruling Council may from time to time specify by Notice in the *Gazette*.

MADE and ISSUED this 13th day of May, 1992.

CAPTAIN VALENTINE E. M. STRASSER.

*Chairman,*

*National Provisional Ruling Council.*