Assented to in Her Majesty's name this *15th* day of *February, 1962.*

MAURICE H. DORMAN,
Governor-General.

LS

No. 6 **1962**

Sierra Leone

An Act to Provide for the Control of the Movement, Consumption, Use, Keeping, Storage, Purchase and Sale of Goods and of the Prices at which Goods may be sold, and for Matters Incidental thereto

[*31st October, 1961.*] Date of commencement.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Control of Goods Act, 1962 and shall be deemed to have come into operation on the 31st day of October, 1961. Short title and commencement.

Power to declare controlled goods

2. The Governor-General may by Order declare any goods or classes of goods, other than ships and aircraft, to be controlled goods, and upon the coming into force of any such Order the provisions of this Act shall apply to such goods or classes of goods.

Appointment of Controllers and other officers.

3. The Governor-General may appoint a Controller, or such Controllers as he may think fit, either for Sierra Leone as a whole or for any part thereof, and either in respect of controlled goods generally or in respect of any particular class or classes of controlled goods, and such subordinate officers as he may consider necessary, for the purposes of this Act.

Power to make rules.

4. (1) The Governor-General may make rules for all or any of the following purposes—

(*a*) conferring upon Controllers and subordinate officers such powers as he may consider necessary or expedient for the purposes of this Act and for giving effect to the provisions of any rules made thereunder;

(*b*) providing for the delegation by any Controller to any subordinate officer of any powers conferred upon such Controller by rules made under this section;

(*c*) fixing or regulating the prices at which any controlled goods may be sold, or prescribing the manner in which and the person or persons by whom such prices may be fixed or regulated;

(*d*) prohibiting, restricting or regulating the movement of any controlled goods within Sierra Leone;

(*e*) prohibiting, restricting or regulating the consumption or use of any controlled goods, and for such purpose providing, if the Governor-General thinks fit, for the supply and distribution of any controlled goods to be regulated by a system of rationing;

(*f*) prohibiting, restricting or regulating the storage or keeping of stocks of any controlled goods;

(*g*) prohibiting, restricting or regulating the sale or purchase of any controlled goods;

(*h*) prohibiting the doing of anything regulated or restricted as aforesaid except under a licence granted by such authority or person as the Governor-General may specify and subject to such conditions as may be expressed therein, and prescribing the fee to be paid for any such licence;

(*i*) requisitioning any controlled goods, and making such provision as appears to the Governor-General to be necessary or expedient in connection therewith, provided that any such rule shall include provision for the payment of compensation in respect of goods so requisitioned;

(*j*) requiring persons carrying on or employed in any trade or business in the course of which any controlled goods are moved, consumed, used, stored, kept, sold, purchased or otherwise dealt with or disposed of to keep such books, accounts or other documentary records, and to produce the same on demand to such persons, and to furnish such returns in such manner and form and at such times as he may prescribe;

(*k*) providing for matters relating to evidence, and for the burden of proof, in any proceedings under this Act.

Penalties.

(2) It shall be lawful for the Governor-General, in any rule made under this section, to prescribe penalties for any contravention thereof:

Provided that such penalties shall not exceed—

(i) where an individual is convicted on information, imprisonment for a term not exceeding one year, or a fine not exceeding one hundred pounds, or both such imprisonment and such fine; and, in the case of a second or subsequent offence, imprisonment for a term not exceeding two years, or a fine not exceeding one thousand pounds, or both such imprisonment and such fine;

(ii) Where an individual is convicted summarily, imprisonment for a term not exceeding three months, or a fine of fifty pounds, or both such imprisonment and such fine; and, in the case of a second or subsequent offence, imprisonment for a term not exceeding six months, or a fine of one hundred pounds, or both such imprisonment and such fine;

(iii) where a body corporate is convicted on information, a fine;

(iv) where a body corporate is convicted summarily, a fine not exceeding one hundred pounds; and, in the case of a second offence, a fine not exceeding two hundred and fifty pounds.

Powers of entry, search and seizure.

5. (1) Any magistrate, any justice of the peace, any police officer in uniform, of or above the rank of sergeant, may, if he is satisfied that there are sufficient grounds for believing that any controlled goods are being kept or stored in any place or premises, contrary to the provisions of this Act or any rules made thereunder, enter and search such place or premises and

examine anything found therein or cause the same to be entered and searched and anything found therein to be examined by a person specially authorised by him in writing in that behalf, and it shall be lawful for any person having entered any place or premises as aforesaid to seize, remove and detain any controlled goods and any books or documents which he has reason to believe may contain entries or particulars relating to any controlled goods, which he may find therein.

Obstruction an offence.

(2) Without prejudice to the provisions of any other law for the time being in force in Sierra Leone, it shall be an offence to obstruct any person doing or preparing to do any act which he may lawfully do under the provisions of this section, and any person convicted of causing or of conspiring or attempting to cause or of instigating or aiding such obstruction shall be liable—

(*a*) on conviction on information, to imprisonment for a term not exceeding two years, or a fine not exceeding five hundred pounds, or both such imprisonment and such fine;

(*b*) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding fifty pounds, or both such imprisonment and such fine.

Liability of directors and officers of bodies corporate.

6. (1) Where a person convicted of an offence against this Act or of a contravention of any rule made thereunder is a body corporate, every person who, at the time of such contravention, was a director or officer of such body corporate shall be deemed to be guilty of such contravention, unless he proves that it was committed without his consent or connivance and that he exercised all such diligence to prevent its commission as he ought to have exercised having regard to the nature of his functions as a director or officer of such body corporate and to all the circumstances.

Liability of partners.

(2) Where any trade or business is carried on by a firm consisting of two or more partners, every partner in such firm shall be liable for the acts or omissions of any other partner so far as they concern such trade or business, and if any partner in such firm is convicted of an offence against this Act or of a contravention of any rule made thereunder every other partner shall be deemed to be guilty of such offence or contravention unless he proves that it was committed without his consent or connivance and that he exercised all such diligence to prevent its commission as he ought to have exercised having regard to the nature of his functions as a partner in such trade or business and to all the circumstances.

Liability of employers.

(3) Any person who employs for the purpose of his trade or business any agent, clerk or servant shall be responsible for the acts or omissions of such agent, clerk or servant so far as they concern such trade or business, and if such agent, clerk or servant is convicted of an offence against this Act or of a

contravention of any rule made thereunder the employer of such agent, clerk or servant shall be deemed to be guilty of such offence or contravention unless he proves that it was committed without his consent or connivance and that he exercised all reasonable diligence to prevent its commission.

Power of Court to prohibit offenders from carrying on business.

7. (1) Where any person is convicted of an offence against this Act or of a contravention of any rule made thereunder, the Court so convicting him may, at its discretion and on application made to it by or on behalf of the Attorney-General, with or without imposing any other penalty, make such order, including an order for the closing of any premises, as it thinks fit for preventing such person, during such period as may be specified in the order, from carrying on, or being concerned in any manner either directly or indirectly with carrying on, the business in the course of or in relation to which such offence or contravention was committed, or any branch of such business or any business or branch of a business of a similar character, and if any person contravenes an order made under this subsection he shall be liable—

(*a*) on conviction on information, to imprisonment for a term not exceeding two years; or

(*b*) on summary conviction, to imprisonment for a term not exceeding six months;

and where the person contravening such order is a body corporate, such body corporate shall be liable, on conviction on information, to a fine or, on summary conviction, to a fine not exceeding one hundred pounds.

(2) Where any person is convicted of a contravention of any rule made under this Act, the Court so convicting him may with or without imposing any other penalty order the forfeiture to the Crown of any controlled goods in respect of which such contravention was committed and in the case of a contravention of any rule regulating, restricting or prohibiting the movement of any controlled goods may likewise order the forfeiture of any vessel, vehicle, or animal in or by which such goods were moved in contravention of such rule.

(3) The powers conferred upon the Court by either of the preceding sub-sections shall be exercisable without prejudice to the powers conferred by the other.

Annulment of orders and rules by the House of Representatives.

8. (1) Any order or rule made under this Act shall be laid before the House of Representatives as soon as may be after it is made and if the House of Representatives within the period of ten days beginning with the day on which each such order or rule is laid before it resolves that such order or rule, as the case may be, be annulled, it shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new order or rule, as the case may be.

(2) In reckoning any period for the purposes of this section, no account shall be taken of any time during which the House of Representatives is dissolved or prorogued or during which the House of Representatives is adjourned for more than four days.

Rules and Orders made under Cap. 228 deemed to be made under this Act.

9. All Rules and Orders made under the provisions of the Control of Goods Act shall be deemed to have been made under the provisions of this Act, and shall continue in force until other provisions shall be made by virtue of this Act.

Passed in the House of Representatives this *12th* day of *January*, in the year of our Lord one thousand nine hundred and sixty-two.

S. V. WRIGHT,
Clerk of the House of Representatives.

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

S. V. WRIGHT,
Clerk of the House of Representatives.

M.P. C/MT1/3/26