

THE PUBLIC ECONOMIC EMERGENCY REGULATIONS, 1987  
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PUBLIC NOTICE No. 25 OF 1987

Published 3rd November, 1987

**THE CONSTITUTION OF SIERRA LEONE 1978**  
(Act No. 12 of 1978)

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**THE PUBLIC ECONOMIC EMERGENCY REGULATIONS, 1987**

Short title

In exercise of the powers conferred upon him by sub-section (4) of section 19 of the Constitution of Sierra Leone, 1978 the President hereby makes the following regulations:—

1. These regulations shall come into operation on the 15th day of November, 1987. Commence-  
ment.

2. In these regulations unless a contrary intention appears— Interpretation.  
Act No. 11  
of 1970

“bank” has the same meaning as in section 1 of the Banking Act, 1970:

“censor” means a censor or any assistant censor appointed under regulation 25;

“commerce” includes any trade or business carried on for gain or profit or the exchange of merchandise;

“currency hoarding” means the keeping of national or other currency referred to in these regulations, above the prescribed amount for longer than a period of three days;

“essential commodities” include rice, or other foodstuff, petroleum or other petroleum product or other goods essential to the life of the community as may be determined by Order of the Minister from time to time;

“foreign currency” means any currency other than the Leone;

“goods” include every merchantable commodity;

“G. G. D. O.” means the Government Gold and Diamond Office or any agent appointed in writing by that Office;

“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;

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

“Minister” means the Minister for the time being charged with responsibility for matters relating to defence;

“newspaper” means any paper containing public news or occurrence, or any remarks or observations therein, printed and published periodically or in parts or numbers and circulated to the public either for sale or otherwise;

“non-resident person” includes a person not ordinarily resident in Sierra Leone;

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

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

Cap 160 “postal matter” has the meaning as in the Post Office Act;

“produce” means cocoa, coffee, ginger, palm kernel;

“proprietor” includes a sole proprietor of a newspaper or in the case of a divided proprietorship the persons who as partners or otherwise represent and are responsible for any share or interest in the newspaper as between themselves and the persons similarly representing or responsible for the other shares or interests therein; it also includes a Company or a partnership;

“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;

“publisher” means any printer, editor, proprietor or distributor of a newspaper and every agent or employee or other person acting on the instructions of such editor or proprietor or any person concerned with the management of a newspaper;

“rice” means imported rice;

"S. L. P. M. B." means the Sierra Leone Produce Marketing Board or any agent appointed by it in writing;

"smuggling" means the improper importation or exportation of the national or foreign currency with the intention to evade the prohibition or restriction imposed by these 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;

Cap. 164 "telegrams" have the same meaning as in the Telegraphs Act;

Act No. 2 "vehicle" has the same meaning as in section 2 of of 1964 the Road Traffic Act 1964;

3. No person shall keep or hoard the national currency above the value of one hundred and fifty thousand leones for more than a period of three days. Currency holding or hoarding prohibited.

4. (1) Every person shall deposit amounts of leones above the value of one hundred and fifty thousand leones at a bank within three days after such monies come into his possession. Local and foreign currency to be deposited with bank.

(2) Every person shall exchange all foreign currencies in his possession at bank within three days after such currencies come into his possession or his arrival in sierra Leone as the case may be, and in the case of a non-resident person he shall exchange or deposit all such currencies in his possession with a bank within three days of his arrival in Sierra Leone.

5. (1) All payments for goods and services in Sierra Leone shall be made in leones except where exempted by the Minister in writing and where such exemption is granted the foreign exchange earnings shall be surrendered to a bank in Sierra Leone. All payments in Sierra Leone to be made in leones.

(2) Any person who has not been so exempted by the Minister in writing and who offers, demands or receives payment for goods or services other than in leones shall be guilty of an offence and on summary or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

6. (1) Any police officer not below the rank of Assistant Superintendent or member of the Republic of Sierra Leone Military Forces not below the rank of Lieutenant or any person authorised by the Minister in writing to act under these regulations, who has reasonable grounds for suspecting or believing that currency above Power to search persons, premises and vehicles.

the prescribed amount or foreign currency is being kept or hoarded either on the person, including anything he may be carrying, or in a vehicle may, without warrant and using such force as is reasonably necessary, stop and search—

- (a) any person so suspected; or
- (b) any such vehicle,

in order to make any arrests that may be necessary or to seize any currency above the prescribed amount that may be found, and a receipt shall be issued for any amount so seized.

(2) Any police officer not below the rank of Assistant Superintendent or member of the Republic of Sierra Leone Military Forces not below the rank of Lieutenant or any person authorised by the Minister in writing to act under these regulations, who has reasonable grounds for suspecting or believing that currency above the prescribed amount or foreign currency is being kept or hoarded in any premises contrary to the provisions of regulations 3 and 4 may with warrant, and using such force as may be reasonably necessary enter and search any such premises in order to make any arrests that may be necessary or to seize any currencies that may be found, and a receipt shall be issued for any amount so seized.

Offence and penalty for keeping and hoarding currencies. 7. Any person who contravenes any of the provisions of regulations 3 or 4 shall be guilty of an offence and liable—

- (a) on summary conviction to a fine of not less than twenty thousand leones or to imprisonment for a term not exceeding two years, or both such fine and imprisonment;
- (b) on conviction on indictment to a fine not exceeding two hundred thousand leones or imprisonment for a term not exceeding five years, or to both such fine and imprisonment;
- (c) on the conviction of such person whether summarily or on indictment for an offence against the provisions of regulations 3 or 4 the Court shall order a forfeiture of one-half of the amount so found to the State.

Export of gold and diamonds. 8. (1) All exporters' licences for gold and diamond are hereby suspended.

(2) All diamonds in the possession of every dealer or exporter shall be sold to the Government Gold and Diamond Office within seven days of the coming into force of these regulations and thereafter any diamond coming into the possession of a dealer or exporter shall be sold to the G. G. D. O.

- (3) All export of diamonds shall be done by the G. G. D. O.  
 (4) All export of gold shall be done by the Bank of Sierra Leone.

9. The Sierra Leone Produce Marketing Board shall be sole agent for the exporting of Sierra Leone produce.

10. The Minister may by Order published in the Gazette appoint any person as agent for the importation, distribution and marketing of rice and may from time to time fix or vary the price thereof.

11. The Minister may by Order fix the prices of essential commodities and may from time to time vary or revoke such Order.

12. (1) Any police officer in uniform of or above the rank of sergeant or any member of the Republic of Sierra Leone Military Forces in uniform of or above the rank of Sergeant may with warrant and using such force as may be necessary—

- (a) enter and search any premises, or  
 (b) stop and search any vehicle, or  
 (c) stop and question any person, if

(i) any such premises or vehicle is being used or has recently been used in connection with the hoarding of large quantities of rice or other essential commodities or such person can give information in connection therewith; or

(ii) evidence of any offence against these regulations or any other law is likely to be found on any such premises or vehicle or is likely to be obtained from any such person.

(2) Any evidence so found together with any such vehicle, rice or other essential commodity may be seized or any such person detained by such police officer or member of the Republic of Sierra Leone Military Forces, and where any vehicle, rice or other essential commodity is so seized, a receipt shall be issued in every case.

(3) Any rice or essential commodities so seized shall be sold to the public and the proceeds of sale paid into revenue unless the Minister otherwise directs.

13. No person shall hoard or in any way procure, encourage entertain or solicit the hoarding of essential commodities.

14. (1) Any person who contravenes the provisions of regulation 13 shall be guilty of an offence and liable—

S. L. P. M. B.  
to be the sole  
exporter of Si-  
erra Leone  
produce.

Importation,  
distribution  
and marketing  
of rice.

Price-freeze  
for essential  
commodities.

Power of arrest  
and seizure  
with warrant,  
for hoarding  
rice and other  
essential com-  
modities.

Prohibition on  
hoarding of  
rice and other  
essential com-  
modities.

Offence and  
penalty for  
hoarding

- (a) on summary conviction to a fine of not less than ten thousand leones or to imprisonment for term not exceeding five years or to both such fine and imprisonment;
- (b) on conviction on indictment to a fine of not less than twenty thousand leones or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment;
- (c) any person who in any way procures, encourages, entertains or solicits the hoarding of essential commodities, shall be liable to be dealt with, tried and punished as a principal offender.

and the Court on conviction of the accused person may order the forfeiture to the State of any essential commodity in connection with which the offence was committed:

(2) Without prejudice to the general effect of regulation 13, any of the following circumstances shall constitute the offence of hoarding under these regulations—

- (a) where a person obtains or keeps any essential commodity in large quantities unreasonably in excess of his immediate requirements; or
- (b) where a person obtains or keeps any essential commodity in a manner likely to create or contribute to a shortage or scarcity of the public; or
- (c) where a person who is appointed agent under regulation 10 or who normally carries on the business of selling any essential commodity refuses, without reasonable excuse, proof of which shall be on him, to sell any such commodity to any person who reasonably requires it and offers to buy the same; or
- (d) where any person who normally carries on the business of selling any essential commodity refuses to sell any such commodity except at a price higher than that fixed under regulation 10 or 11 or upon condition that other goods are bought therewith; or

- (e) where any person having refused to sell or indicated that any essential commodity cannot be sold by reason of the fact that he is not empowered to sell such commodity or that its owner; is absent, sells or offers for sale such commodity at a higher price than that fixed by law or upon any condition he may impose, unless such person shows sufficient cause satisfactory to the Court for so selling or offering for sale such commodity.

(3) For the purposes of this regulation a person shall be deemed to keep an essential commodity, if he keeps it himself or causes another person to keep the same on his behalf.

(4) In considering whether any essential commodity has been obtained or kept for the purposes of paragraph (a) or (b) of sub-regulation (2) hereof, account shall be taken of any peculiar circumstances of the person charged and of the quantity of essential commodity found in his possession and it shall be immaterial that such essential commodity has been obtained in separate lots or upon separate occasions or is kept in several places.

15. (1) Any person who—

Smuggling an offence.

(a) smuggles or attempts to smuggle the national or any foreign currency, any gold, diamond or other precious mineral, or any essential commodity in or out of Sierra Leone; or

(b) aids and abets the offence of smuggling shall be guilty of an offence and liable— Penalty for smuggling.

(i) on summary conviction to a fine of not less than twenty-five thousand leones or imprisonment for a term not exceeding five years or to both such fine and imprisonment;

(ii) on conviction on indictment to a fine of not less than two hundred and fifty thousand leones or a term of imprisonment not exceeding seven years or to both such fine and imprisonment;

(iii) and the Court on conviction of the accused person shall order a

forfeiture to the State of any national or foreign currency, gold, diamond or other precious mineral, or any essential commodity in connection with which the offence was committed

Acts deemed to be smuggling.

- (2) for the purposes of this regulation, a person who—
- (a) Imports or exports or attempts to import or export the national or any foreign currency, gold diamond, other precious mineral or any 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 or any foreign currency, gold diamond, other precious mineral or any essential commodity, the importation or exportation of such importation or exportation is effected contrary to any such condition, or without or in contravention of such permit,

shall be deemed to be guilty of the offence of smuggling.

Offence of smuggling by body of persons.

16. Where the offence of smuggling is committed by a body of persons, then if the body of persons is —

- (a) a body corporate, every person who at the time of the commission of the act constituting the offence was a director or officer of that body corporate, or
- (b) a firm, every person who at the time of the commission of the act constituting the offence was a partner of that firm,

shall be guilty of the offence of smuggling.

Publication of false statements and reports.

17. (1) Any person who publishes any false statement, rumour or report which is calculated to bring into disrepute any other person shall be guilty of an offence and on summary conviction liable to a fine of not less than five thousand leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) It is no defence to a charge under this regulation that the publisher did not know or had no reason to believe that the statement, rumour or report was false unless he proves that before he communicated such statement, rumour, or report he took reasonable measures to verify the accuracy of the statement, rumour or report.

18. (1) Any person who publishes any false statement, rumour or report which is likely to injure the credit or reputation of Sierra Leone or the Government of Sierra Leone shall be guilty of an offence and liable—

Injurious publication to Sierra Leone or to the Government of Sierra Leone.

- (a) on summary conviction to a fine of not less than five thousand 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 thirty thousand leones or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(2) It is no defence to a charge under this regulation that the person charged did not know or had no reason to believe that the statement, rumour or report was false, unless he proves that before he communicated such statement, rumour or report he took reasonable measures to verify the accuracy of the statement, rumour or report.

19. (1) Any publisher who publishes any statement, rumour or report in a newspaper which is likely to—

Offence and punishment for injurious publications.

- (a) cause fear or alarm to the public or disturb the public peace; or
- (b) encourage or promote or stir up feelings of ill-will and hostility among the different tribes or nationalities or among persons of different religious faith in Sierra Leone;

shall be guilty of an offence and liable on conviction.

- (a) on information to a fine of not less than five thousand leones or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- (b) on indictment to a fine of not less than ten thousand leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) It is no defence under this regulation that the person charged—

- (a) proves that the statement, rumour or report is true;

- (b) did not know or did not have reason to believe that the statement, rumour, or report was false; or
- (c) that he did not intend by the publication to cause fear or alarm to the public, or to disturb the public peace or to encourage or promote or stir up feelings of ill-will and hostility among the different tribes or nationalities or among persons of different religious faith in Sierra Leone.

Sabotage.

20. (1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used under or intended to be used in the service of the Government of Sierra Leone or in the performance of essential services or for the maintenance of supplies essential to the life of the community or to impair the usefulness of any works, structure, or premises used or intended to be so used.

(2) The provisions of sub-regulation (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty either of the public or to any person to do as they apply in relation to the doing of any act by a person.

(3) Any person who contravenes any of the provisions of this regulations shall be guilty of an offence and liable—

- (a) on summary conviction to a fine of not less than five 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 of not less than twenty-five thousand leones or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

Restriction  
Order and De-  
tention Order.

21. The Minister may, if satisfied with respect to any particular person, that with a view to preventing him from acting in any manner prejudicial to public safety, it is necessary so to do, make an order—

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the Order in respect of —
  - (i) his employment or business.

- (ii) his association or communication with other persons, or
  - (iii) his activities in relation to the dissemination of news or the propagation of opinion;
- (c) directing that he be detained or continue to be detained and long as such an order is in force in respect of any person, he shall be liable to be detained, or continue to be detained in such place and under such conditions, as the Minister may from time to time determine and shall, while so detained, be deemed to be in legal custody:

Provided that any Order made by virtue of this regulation shall not be rendered invalid by reason of any defect in the date stated therein.

22. The Minister may by Order direct that—

- (a) the person named in that order 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 a period that may be specified in the Order;
- (b) the person or persons named in that Order shall be prohibited from entering Sierra Leone:

Deportation and exclusion of person from Sierra Leone or part thereof.

Provided that an Order made under sub-regulation (a) or (b) shall not apply to a citizen of Sierra Leone;

- (c) any person named in such Order shall be excluded from any part or parts of Sierra Leone for any period of time that the Minister may specify.

23. (1) Notwithstanding the provisions of any enactment the Minister may revoke or withdraw any licence or permit issued or granted under the Arms and Ammunition Act, 1955 or the Explosives Act, 1955, or any Act amending or replacing these Acts.

Control of firearms, etc.

- (2) Where any licence has been revoked or withdrawn by

the Minister in accordance with sub-regulation (1), the owner of such licence shall forthwith deliver to the nearest police station, all arms, ammunition or explosives authorised to be in possession by the permit or licence so revoked or withdrawn.

Act No. 14 of  
1955 P. 2481  
Vol. IV; Act  
No. 15 of 1955  
P. 2507 Vol.  
IV.

(3) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding ten thousand leones or to imprisonment for a term not exceeding five years;
- (b) on conviction on indictment to a fine not exceeding twenty thousand leones or to a term of imprisonment not exceeding ten years.

Requisition-  
ing Transport,  
etc.

24. (1) The Minister may, if satisfied that in the interest of public safety it is necessary so to do, by Order requisition for the service of the Government of Sierra Leone, any vessel, vehicle or aircraft, or anything, and may give such directions as appear to him to be necessary or expedient in respect of such requisition.

(2) Where any person having in his possession, custody or control anything requisitioned under sub-regulation (1) fails to comply with any order made or directions given in respect thereof, such thing may be seized by any person authorised in writing in that behalf by the Minister.

(3) On the receipt or seizure of anything requisitioned under this regulation, a voucher or receipt shall be given by or on behalf of the Minister to the person from whom such thing is requisitioned, describing it with sufficient accuracy and clarity for purpose of identifying it or of ascertaining its value.

(4) Where anything has been requisitioned under this regulation and agreement cannot be reached as to the compensation to be paid therefor, such compensation shall be assessed and paid in accordance with rules to be prescribed by the Minister.

(5) The Minister may require any person engaged in or about the navigation or control of any vessel, aircraft or vehicle requisitioned under this regulation to place his services in relation thereto at the disposal of the Minister, and that person shall comply with such instructions as may be given to him from time to time by or on behalf of the Minister.

(6) If any person referred to in sub-regulation (5) or any other person in relation thereto who may be engaged on official duties, sustains personal injury in the course of his duties whilst

complying with any instruction, or dies in consequence thereof, such compensation as the Minister may determine shall be paid out of the Consolidated Fund to the person injured or to his personal representatives or dependants as the case may be:

Provided that in assessing compensation the Minister may take into account any monies payable on the occurrence of the events herein described under a subsisting contract of insurance.

25. (1) ~~The Minister~~ may appoint a censor of postal matters and telegrams and such number of assistant censors as he shall think fit.

Appointment of censor and inspection of postal matters and courier bags.

(2) The Minister may by warrant under his hand authorise the Director of Postal Services Department any Post Master or any person engaged in the business of Courier Services to detain and produce to the censor all postal matters, telegrams and courier bags coming into their possession either for transmission or delivery.

(3) The censor, or any person authorised by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any postal matter, telegram or contents of any courier bag whatsoever which may be in the course of or intended for transmission to, from, or through any territory that the Minister may direct and in the case of courier bags, they shall be opened in the presence of the person operating the courier service or his agent.

26. Any Clerk, officer, or servant, whether employed by the Government of Sierra Leone, a Local Authority, or a Public Corporation, or any person acting in the capacity of a clerk, officer, or servant of the Government, a Local Authority, or a Public Corporation, who, wilfully and with intent to defraud, destroy, alter, mutilate or falsify any book, paper, writing, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or who wilfully and with intent to defraud, make or concur in making any false entry in, or omit or alter, or concur in omitting or altering, any material particular from or in any such book, or any document or account, or who is in any way connected with or involved in the loss of public funds whether belonging to the Government, a Local Authority, or a Public Corporation, shall in every such case be tried under the provisions of these regulations, and shall be guilty of an offence and liable—

Falsification of accounts.

- (a) on summary conviction to a fine not less than twenty-five thousand leones or to imprisonment for a term of not less than five years or to both such fine and imprisonment;

- (b) on conviction on indictment to a fine of not less than two hundred and fifty thousand leones or to imprisonment for a term of not less than ten years or to both such fine and imprisonment.

Forgery definition, etc.

27. (1) For the purposes of these regulations, "forgery" is the making of a false document in order that it may be used as genuine and forgery with intent to defraud or deceive, as the case may be, is punishable as provided for in these regulations.

(2) A document is false within the meaning of these regulations if the whole or any material part thereof purports to be made by or on behalf or on account of a person who did not make it nor authorise its making; or if, though made by or on behalf or on account of the person by whom or by whose authority it is purported to have been made, the time or place of making where either is material, or, in the case of a document identified by number or mark, the number or any distinguishing mark identifying the document, is falsely stated therein; and in particular a document is false—

- (a) if any material alteration, whether by addition, insertion, obliteration, erasure, removal, or otherwise, has been made therein;
- (b) if the whole or some material part of it purports to be made by or on behalf of a fictitious or deceased person;
- (c) if, though made in the name of an existing person, is made by him or by his authority with the intention that it should pass as having been made by some person, real or fictitious, other than the person who made or authorised it.

(3) For the purposes of these regulations—

- (a) it is immaterial in what language a document is expressed or in what place within or outside Sierra Leone it is expressed to take effect;
- (b) forgery of a document may be complete even if the document when forged is incomplete, or is not or does not purport to be such a document as would be binding or sufficient in law;

- (c) the crossing on any cheque, draft on a banker, post office money order, coupon or other document the crossing of which is authorised or recognised by law, shall be a material part of such cheque, draft, order, coupon or document.

28. Forgery of the following documents, if committed with intent to defraud, or to deceive, thereby causing loss to the Government, a Local Authority or a Public Corporation, as the case may be, shall be an offence punishable on conviction on indictment with a fine of not less than two hundred and fifty thousand leones or imprisonment for a term of not less than ten years and not exceeding twenty years or to both such fine and imprisonment—

Forgery of certain documents with intent to defraud.

- (a) any bank note, or any endorsement on or assignment of any bank note;
- (b) any valuable security or assignment thereof or endorsement thereon, or, where the valuable security is a bill of exchange, any acceptance thereof;
- (c) any certificate of the Commissioner of Income Tax or any Deputy or Assistant Commissioner of Income Tax or any other Commissioner acting in execution of the Income Tax Act or any orders,  
 Cap. 273 rules or regulations made thereunder;
- (d) any permit, certificate or similar document made or granted by or under the authority of the Comptroller of Customs and Excise.

29. (1) Every person who utters any forged document shall be guilty of an offence as if he himself had forged the document, and on conviction on indictment shall be liable to a fine of not less than twenty-five thousand leones or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.

Uttering.

(2) A person utters a forged document, whilst, knowing the same to be forged, and with either of the intent necessary to constitute the offence of forging the said document, uses, offers, publishes, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges, tenders in evidence, or puts off the said forged document.

(3) It is immaterial where the document was forged.

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Demanding property on forged documents, etc.

30. Every person shall be guilty of an offence and on conviction on indictment shall be liable to a fine of not less than two hundred and fifty thousand leones or imprisonment for a term of not less than ten years and not exceeding fourteen years or to both such fine and imprisonment, who, with intent to defraud, demands, receives, or obtains or causes or procures to be delivered, paid or transferred to any person, or endeavours to receive or obtain or to cause or procure to be delivered, paid or transferred to any person, any money, security for money or other property— under, upon, or by virtue of any forged instrument whatsoever, knowing the same to be forged.

Possession of forged document.

31. Every person shall be guilty of an offence and on conviction on indictment shall be liable to a fine of not less than twenty-five thousand leones or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment, who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases or receives from any person, or has in his custody or possession, a forged bank note, knowing the same to be forged.

Accessories and abettors.

32. Any person who knowingly and wilfully aid, abets, counsels, causes, procures or commands the commission of an offence, punishable under these regulations shall be liable to be dealt with, indicted, tried and punished as a principal offender.

Form of indictment and proof of intent.

33. (1) In an indictment or information for an offence against regulations 27, 28, 29, 30, 31 and 32 with reference to any document, it is sufficient to refer to the document by any name or designation by which it is usually known, or by its purport, without setting out any copy or facsimile of the whole or any part of the document.

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under regulations 27, 28, 29, 30, 31 and 32, or under any other law relating to forgery or any kindred offence for the time being in force, it shall not be necessary to allege in the indictment or to prove an intent to defraud or deceive any particular person; and it shall be sufficient to prove that the defendant did the act charged with intent to defraud or to deceive as the case may require.

(3) Regulations 27, 28, 29, 30, 31 and 32 shall apply only where the offence involves loss to the Government, Local Authority or a Public Corporation.

Interpretation

34. For the purposes of these regulations the words "valuable security" include any writing entitling or evidencing the title of any person or to any deposit in any bank, any script, debenture, bill, note, warrant, order or other security for the payment of money, or any accountable receipt, release, or discharge or any receipt or other instrument evidencing the payment of money, Financial Secretary's Letters of Payment, lodgments, or the delivery of any chattel personal.

35. Stealing for which no special punishment is provided under these regulations or any other law for the time being in force shall be larceny and an offence punishable on conviction on indictment with a fine of not less than twenty-five thousand leones or imprisonment for a term not exceeding ten years or to both such fine and imprisonment.

Larceny.

36. Every person who steals any goods—

- (a) in any vessel, barge or boat of any description in any haven or any port of entry or discharge or upon any navigable river or canal or in any creek or basin belonging to or communicating with any such haven, port, river, or canal; or
- (b) from any dock, wharf or quay adjacent to any such haven, port, river, canal, creek, or basin; or
- (c) in any vessel in distress, wrecked, stranded, or cast on shore;

Larceny from ships, docks, etc.

shall be guilty of an offence and on conviction on indictment liable to a fine of not less than twenty-five thousand leones or imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.

37. Any person who steals any goods—

- (a) from any aircraft on any airfield, or
- (b) within or from any building, structure, container, receptacle or vehicle within the area of any airfield, or
- (c) from any ship at any port, or
- (d) within, or from any building structure, container, receptacle or vehicle within the area of any port,

Larceny from aircrafts, ships, etc.

shall be guilty of an offence and on conviction on indictment liable to a fine of not less than twenty-five thousand leones or imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.

38. Every person who—

- (a) steals any chattel, money, or valuable security belonging to or in the possession of the Government, a Local Authority or a Public Corporation or entrusted to or received or taken into possession by such person by virtue of his employment; or

Larceny and embezzlement by employees of Government, a Local Authority or a Public Corporation.

- (b) embezzles or in any manner fraudulently applies or disposes of for any purpose whatsoever except for the Government, a Local Authority Public Corporation, any chattel, money or valuable security entrusted to or received or taken into possession by him by virtue of his employment;

shall be guilty of an offence and liable on conviction on indictment to a fine of not less than twenty-five thousand leones or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.

Conversion.

39. Every person who—

- (a) being entrusted either solely or jointly with any other person with any property in order that he may retain in safety custody or apply, pay, or deliver, for any purpose or to any person, the property or any part thereof or any proceeds thereof; or
- (b) having either solely or jointly with any other person received any property for or on account of any other person, fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof,

shall be guilty of an offence and on conviction on indictment liable to a fine not less than twenty-five thousand leones or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.

False  
pretences.

pre- 40. Every person who by any false pretence—

- (a) with intent to defraud, obtains from any other person any chattel, money, or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered to himself or to any other person for the use or benefit or on account of himself or any other person; or
- (b) with intent to defraud or injure any other person, fraudulently causes or induces any other person—

- (i) to execute, make, accept, endorse, or destroy the whole or any part of any valuable security; or
- (ii) to write, impress, or affix his name or the name of any other person, or the seal of any body corporate or society, upon any paper or parchment in order that the same may be afterwards made or converted into, or used or dealt with as, a valuable security;

shall be guilty of an offence and on conviction on indictment liable to a fine of not less than twenty-five thousand leones or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.

41. (1) Every person who receives any property knowing the same to have been stolen or fraudulently obtained shall be guilty of an offence and on conviction on indictment liable to a fine of not less than twenty-five thousand leones or to imprisonment for term not exceeding fourteen years or to both such fine and imprisonment. Receiving.

(2) Every such person may be indicted and convicted, whether the principal offender has or has not been previously convicted, or is or is not amenable to justice.

42. In these regulations the expression—“Valuable Security” has the same meaning as that assigned to it under regulation 34. Definition.

43. (1) Where a person is charged with any offence against regulation 38 (relating to embezzlement) and it is proved that he stole the property in question, he may be convicted of stealing it although he was not charged with that offence; and where a person is charged with stealing any chattel, money or valuable security he may, in like manner, be convicted of embezzlement, or of fraudulent application of disposition as the case may be. Persons charged with larceny, etc. may be convicted of kindred offences.

(2) Where a person is charged with stealing any chattel, money valuable security, and it is proved that he received the thing knowing it to have been stolen, he may be convicted of receiving although he was not charged with that offence.

(3) Where a person is charged with stealing and it is proved that he obtained the chattel, money or valuable security in question in any such manner as would amount under the provisions of these regulations to obtaining it by false pretences with intent to defraud, he may be convicted of obtaining it by false pretence although he was not charged with that offence.

(4) Where a person is charged with obtaining any chattel, money or valuable security by false pretences with intent to defraud and it is proved that he stole the property in question, he may be convicted of stealing it although he was not charged with that offence.

(5) Where two or more persons are charged with jointly receiving any property and it is proved that one or more of such persons separately received any part of such property, such of the said persons as are proved to have received any part of such property may be convicted upon such charge.

(6) Regulations 35, 36, 37, 38, 39, 40, 41, 42, and 43 shall apply only where the offence involves loss to the Government, or a Local Authority or a Public Corporation.

Conspiracy and  
unlawful com-  
bination

44. If a person agrees with any other person or persons on a course of conduct with the object of committing an offence under this regulations, he shall be guilty of conspiracy or unlawful combination, as the case may be, and shall be tried on indictment, and on conviction be liable to a fine, or a term of imprisonment, or to both such fine and imprisonment.

Evidence of  
Bankers Books

45. (1) Subject to the provisions of these regulations, a copy of any entry in a banker's book shall in all legal proceedings be received as *prima facie* evidence of such entry, and of the matters, transactions, and accounts therein recorded.

(2) A copy of an entry in a banker's book shall not be received in evidence under these regulations unless it be first proved that the book was at the time of the making of the entry one of the ordinary books of the bank, and that the entry was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank. Such proof may be given by a partner or officer of the bank, and may be given orally or by an affidavit sworn before any Commissioner or person authorised to take affidavits.

(3) A copy of any entry in a banker's book shall not be received in evidence under these regulations unless it be further proved that the copy has been examined with the original entry and is correct. Such proof shall be given by some person who has examined the copy with the original entry, and may be given either orally or by an affidavit sworn before any Commissioner or person authorised to take affidavits.

(4) A banker or officer of a bank shall not, in any legal proceedings to which the bank is not a party, be compellable to produce any banker's book the contents of which can be proved under these regulations or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by order of a Magistrate or a Judge.

(5) On an application by the prosecutor in proceedings under these regulations a Magistrate or a Judge shall as of course order that the prosecutor be at liberty to inspect and take copies of any

entries in a banker's book for any of the purposes of such proceedings. An order under this regulation may be made either with or without summoning the bank or any other party, and such order shall be served on the bank twenty-four hours before the same is to be obeyed.

46. (1) if any agent corruptly accepts or obtains or agrees to accept, or attempts to obtain, from any person for himself, or for any other person, any gift or consideration as an inducement or reward for doing, or forbearing to do, or for having, after these regulations come into force, done or forborne to do, any act in relation to his principal's affairs or business, or for showing, or forbearing to show, favour or disfavour to any person in relation to his principal's affairs or business; or

Punishment of  
corrupt transac-  
tions with  
agents.

(2) if any person corruptly gives, or agrees to give, or offers any gift or consideration to any agent as an inducement or reward for doing, or forbearing to do, or for having, after these regulations come into force, done or forborne to do any act in relation to his principal's affairs or business or for showing, or forbearing to show, favour or disfavour to any person in relation to his principal's affairs or business; or

(3) if any person knowingly gives to any agent, or if any agent knowingly uses with intent to deceive his principal any receipt, account, or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal, he shall be guilty of an offence and liable—

(a) on summary conviction to a fine of not less than twenty-five thousand 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 two hundred and fifty thousand leones or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.

Definitions. 4 (a) For the purposes of these regulations—  
“consideration” includes valuable consideration of any kind;  
“agent” includes any person employed by or acting for another;  
“principal” includes an employer;  
“public service” has the same meaning as that assigned to it under subsection (1) of section 156 of the Constitution of Sierra Leone, 1978.

- (b) a person holding office under the Constitution, or serving in the Public Service, a Local Authority or a Public Corporation is an agent within the meaning of these regulations.

Increase of maximum penalty and presumption of corruption in certain cases. 47. (1) - A person convicted under these regulations shall where the matter or transaction in relation to which the offence was committed was a contract or a proposal for a contract with the Government, a Local Authority or a Public Corporation, or a sub-contract to execute any work comprised in such a contract, be liable—

- Act No. 12 of 1978
- (a) if summarily to a fine not exceeding twenty-five thousand leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment;
- (b) if on indictment to a fine not exceeding two hundred and fifty thousand leones or imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.

(2) Where in any proceedings against a person for any offence under these regulations, it is proved that any money, gift or other consideration has been paid or given to or received by a person who holds office under the Constitution or is in the Public Service, Local Authority or a Public Corporation, by or from a person, or agent of a person, holding or seeking to obtain a contract from the Government or a Local Authority or a Public Corporation, the money, gift or consideration shall be deemed to have been paid or given and received corruptly on such inducement or reward as is mentioned in these regulations unless the contrary is proved.

Offences Committed by Companies. 48. (1) Where an offence under these regulations is committed by a Company, every person who at the time the offence was committed was in charge of, or was responsible to the Company for the conduct of the business of the Company, as well as the Company itself, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished in accordance with the provisions of these regulations:

Provided that nothing contained in this sub-regulation shall render such person liable to any punishment under these regulations if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything to the contrary in sub-regulation (1), where an offence under these regulations is committed by a Company and it is proved that the offence is committed with the consent or connivance of, or is attributable to any neglect on the part

of any Director, Manager, Secretary or other officer of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be prosecuted against and punished in accordance with the provisions of these regulations.

(3) For the purpose of the regulation—

“company” includes any body corporate, a firm or other association of individuals or an individual carrying on business on his own; and

“director” in relationship to a firm means a partner in the firm.

49. (1) Every person who is charged with an offence under these regulations before any Court shall not be granted bail unless the Court is satisfied that there are special circumstances warranting the grant of bail. Bail.

(2) Before bail is granted under these regulations the accused shall be ordered—

(a) to pay into Court an amount equal to one-third of the total amount of monies alleged to be the subject-matter of the charge or put up properties of equivalent amount as guarantee;

(b) to produce at least two sureties who shall pay into Court an amount equal to one-third of the total amount alleged to be the subject-matter of the charge or offer properties of equivalent amount as guarantee; and

(c) any money or property paid into Court or put up under these regulations as guarantee shall be forfeited to the State in the event of the accused jumping bail.

50. (1) Where a complaint is lodged to the police to investigate any person suspected of having committed an offence in respect of which public funds belonging to the Government, a Local Authority or a Public Corporation or property belonging to the same is affected, the police shall immediately apply *ex parte* by summons

Power of police to freeze accounts and seize property.

to a Magistrate or Judge for an Order to be made freezing any account or accounts operated by or in the name of the person being investigated or in any other name, or an account of which he is a signatory.

(2) The police may also apply *ex parte* by summons to a Magistrate or Judge to freeze the account of any person suspected of operating an account on behalf of the person being investigated.

(3) the police may also seize any property of the suspect or any other property held by any person on his behalf.

(4) Any property seized by the police under this regulation shall be returned to any claimant who satisfies the Court that he acquired the property lawfully.

51. The Inspector-General of Police shall publish in the *Gazette* the names of all persons whose accounts have been frozen and particulars of properties seized, if any, under these regulations.

52. (1) Where any account is frozen under regulation 50 no bank shall pay out any monies or cause any transfer of money from that account unless the Attorney-General and Minister of Justice in writing under his hand approves any such payment.

(2) No person shall pay any money owed to any person whose account has been frozen under this regulation except through a bank.

(3) (a) Except with the permission in writing of the Attorney-General and Minister of Justice, no person whose account has been frozen under these regulations shall withdraw or authorise the withdrawal of more than a total sum of one thousand leones from all his bank accounts for any one month, from the date of the Order freezing the account.

(b) For the purposes of this regulation, the word "withdrawal" includes any transfer of money whatsoever.

(4) Any person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine not exceeding ten thousand leones or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

Publication  
by the Inspec-  
tor-General of  
Police in the  
Gazette.

Withdrawal  
of money pro-  
hibited except  
with the per-  
mission of the  
Attorney-  
General and  
Minister of  
Justice.

53. (1) In addition to any punishment imposed under these regulations, the Court shall order any person convicted to pay to the Accountant-General or the appropriate body or authority the total sum of monies for which he was found guilty of having stolen or dishonestly obtained and to return the said property to the Government, appropriate body, or authority. Restitution

(2) Where a person ordered to pay any sum or return any property under this regulation fails to do so within one month of such an order the Court shall order that—

- (a) any monies kept in any bank in Sierra Leone belonging to the person ordered in sub-regulation (1) shall be paid to the Accountant-General or the appropriate body or authority; or
- (b) any property he owns shall be sold and the proceeds paid to the Accountant-General or the appropriate body or authority, and any excess returned to the person convicted..

(3) Where after making the Order prescribed in sub-regulations (1) and (2) there is still some amount outstanding in respect of the monies or properties affected by the conviction, the Court shall make a further Order that any person so indebted, who is entitled to any monies such as gratuities, awards, pensions, superannuations or other similar benefits shall pay such monies to the Accountant-General or other body or authority.

54. (1) Where after exhausting all the provisions under regulation 53 there is still some outstanding sum to be paid by the person convicted, that amount shall be considered to be debt due to the Government or a Local Authority or Public Corporation. Judgement  
debt.

(2) The Attorney-General and Minister of Justice or a Local Authority or a Public Corporation may at any time bring an action for the recovery of such amount.

(3) This regulation shall not be affected by any Law of Limitation for the time being in force.

55. If any person contravenes or fails to comply with any of these regulations, or any Order or rule made thereunder or any direction Residual Pen-  
alties.

given or requirement imposed under any of these regulations, he shall be guilty of an offence against that regulation and shall where no penalty is otherwise provided—

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

Procedure Act No. 32 of 1965. 56. (1) Subject to the provisions of sub-regulations (2) and (3), the Court shall ordinarily apply the provisions of the Criminal Procedure Act, 1965.

(2) Notwithstanding the provisions of the Criminal Procedure Act, 1965, the Court shall dispense with any rule of law relating to the admissibility of evidence regarding the best evidence rule in relation to documents:

Provided that in the case of extra-judicial confessions and admissions there shall be no *voir dire*.

(3) The proceedings of any trial under these regulations shall not be adversely affected by such defects as duplicity on the face of the information or indictment.

Trial *in absentia*. 57. (1) Notwithstanding anything to the contrary contained in any other law, any person who commits an offence in contravention of any of the provisions of these regulations and is not within the jurisdiction, may be tried in his absence;

(2) In such a case the substance of the charge shall be read out in Court and plea of "not guilty" entered in favour of the accused.

(3) The Court may proceed to hear and determine the matter notwithstanding the absence of the accused.

Appeals. 58. Any person aggrieved by an Order of decision of the Court under these regulations may appeal from such Order or decision to the High Court, to the Court of Appeal or the Supreme Court, as the case may be.

Savings. 59. Where on the coming into force of these regulations, any investigation or case relating to the subject matter of the offences

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specified in these regulations is pending, all the provisions of these regulations shall apply in the determination of that investigation or case.

MADE this 2nd day of November, 1987.

Issued under my hand,

JOSEPH SAIDU MOMOH,  
*President and Minister of Defence.*