

Enacted this 3rd day of September, 1991

J. S. MOMOH,  
President.

LS

No. 5



Sierra Leone

1991

**The Ports (Amendment) Act, 1991**

Short title.

Being an Act to amend the Ports Acts, 1964

[

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Date of commencement.

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

1. Section 3 of the Ports Act, 1964 is repealed and replaced by the following section—

Repeal and Replacement of section 3 of Act No. 56 of 1964.

Establishment and incorporation of the Authority.

1. (1) There is hereby established a body to be known as the Sierra Leone Ports Authority.

(2) The Authority shall be a body corporate having perpetual succession and shall have power to acquire, hold and dispose of property whether movable or immovable, to enter into contracts, to sue and to be sued in its corporate name and to do all things necessary for the purpose of this Act."

2. The principal Act is amended as follows—

(a) by the repeal and replacement of section 4 by the following section—

Amendment of Act No. 56 of 1964.

Common seal and authentication of documents.

4. (1) The Authority shall have a common seal and the affixing of the seal shall be authenticated by the signatures of the Chairman or some other member of the Authority authorised, either generally or specially, by the Authority to act for that purpose, and of the Secretary or some other person authorised either generally or specially, by the Authority to act for that purpose.

(2) Every document purporting to be an order or instrument issued by the Authority and to be sealed with the seal of the Authority authenticated as provided by this section, or to be signed by the Secretary, shall be received in evidence and be deemed to be such order or instrument without further proof, unless the contrary is shown.

(3) The Authority shall have power to direct the affixing of the seal to documents outside Sierra Leone.

(4) Notwithstanding any rule of law to the contrary the Authority may enter into contracts and transact business in all respect in the same manner as a private individual."

(b) by the insertion immediately after section 4 thereof of the following sections—

Constitution of the Authority.

5. (1) The Authority shall consist of—

(a) a Chairman;

(b) three members, representing labour organisations, persons specialised in finance and accounting, and the general public respectively;

- (c) a member representing importers and exporters of goods;
- (d) a member representing ship-owning companies operating agencies in Sierra Leone;
- (e) a representative of the Ministry of Transport and Communications;
- (f) the Governor of the Bank of Sierra Leone or his representative; and
- (g) the Managing Director, Sierra Leone Produce Marketing Board, or his representative.

(2) The Chairman and other members shall be citizens of Sierra Leone appointed by the Minister and shall hold office subject to such conditions as the Minister may determine.

(3) Where the Chairman or any other member is for good reason temporarily unable to perform his functions and until such time as the Minister appoints some other persons to act for the Chairman or other member, the Authority may appoint a person so to act.

(4) The members of the Authority shall hold office for a period of two years and shall be eligible for re-appointment.

(5) Where a member vacates his office, the body which he represented shall nominate another one of its members to fill the vacancy.

6. (1) If the Chairman or any member at any time after his appointment—

- (a) accepts or continues to hold office as an auditor of the Authority, or
- (b) accepts or continues to hold an office or employment with the Authority, or
- (c) is made bankrupt, or
- (d) becomes of unsound mind or otherwise incompetent to act as a member, or
- (e) fails to attend three consecutive meetings of the Authority (unless such failure be occasioned by any reasonable cause allowed by the Authority),

Cessation of membership of, removal and resignation from the Authority.

then in any of these cases he shall forthwith cease to be a member of the Authority, and the Authority shall report the fact and date of such cessation and any such vacancy to the Minister.

(2) The Chairman or any member may at any time resign his office by written notice to the Minister.

(3) If at any time it appears to the President that the removal from office of the Chairman or any member of the Authority is necessary in the interests of the effective and economical performance of the functions of the Authority, the President may remove from office the Chairman or any member without assigning any reason therefor.

(4) (a) Every appointment or termination thereof under section 5, and every cessation of membership or resignation or removal from office under this section and

(b) the occurrence of any vacancy among members of the Authority, shall be notified in the *Gazette* under the hand of the Minister.

Immunity of members.

7. No member of the Authority shall be personally liable for any debt or obligation of the Authority.

Procedure of the Authority.

8. (1) Subject to the provisions of this Act, the Authority may make Standing Orders regulating its procedure generally, and particular regarding—

(a) the holding of meetings and the notice to be given for such meetings;

(b) the proceedings thereat;

(c) the keeping of minutes and the custody, production and inspection of such minutes; and

(d) the custody and use of the common seal.

(2) The quorum at any meeting of the Authority shall be five members.

(3) A decision of the majority of the members present and voting at a meeting of the Authority shall be deemed to be a decision of the Authority.

(4) In the event of an equality of votes the Chairman shall have a casting vote in addition to his deliberative vote.

(5) The Authority shall meet at such times

3. Sections 15 and 16 of the principal Act are repealed and replaced by the following sections—

“Appoint-  
ment of  
General  
Manager and  
delegation of  
functions.

15. (1) There shall be an officer of the Authority to be known as the General Manager who shall be the Chief Executive Officer, and shall be responsible for the execution of the policy of the Authority and transaction of its day to day business.

Repeal and  
Replacement  
of Sections  
15 and 16 of  
Act No. 56  
of 1964.

(2) The General Manager shall be appointed by the Authority with the prior approval of the Minister.

(3) The Authority shall delegate to the General Manager the power to exercise supervision and control over the acts and proceedings of all officers, servants and agents of the Authority in matters of executive administration and in matters concerning the accounts and records of the Authority, and subject to any restriction which may be imposed by the Authority, the power to dispose of all questions relating to the service of the said servants and their discipline, pay, privileges and allowances.

(4) The Authority shall delegate to the General Manager such of its functions as are necessary to enable him to transact efficiently the day to day business of the Authority and for this purpose the Authority may from time to time issue written instructions under its common seal.

Appointment  
of Secretary. 16. There shall be an officer of the Authority to be known as the Secretary, who shall be appointed by the Authority.

4. The principal Act is amended by the insertion immediately after section 107 thereof of the following section—

107A. Where it is intended to institute legal proceedings against the Authority, notice in writing of that intention and the cause of the proceedings shall be given to the Authority at least thirty days prior to the commencement of such proceedings.”

Amendment  
of Act No. 56  
of 1964.

5. Section 108 of the principal Act is repealed and replaced by the following section—

Repeal and  
Replacement  
of Section  
108 of Act  
No. 56 of  
1964.

108. Where there is a judgment, decision or order against the Authority, no execution, attachment or order in the nature thereof shall be issued against the Authority until after three months from the date of such judgment, decision or order as the case may be.

6. The principal Act is amended by the insertion immediately after section 118 thereof of the following section—

119. Notwithstanding anything to the contrary hereinafter contained, the Minister shall have power to make regulations for further carrying into effect the provisions of this Act.

7. The Ports (Amendment) Act, 1976 is repealed.

Passed in Parliament this 30th day of August in the year of our Lord one thousand nine hundred and ninety-one.

M. T. BETTS-PRIDDY,  
Acting Clerk of Parliament.

This Printer's Impression has been carefully compared by me with the Bill as passed by Parliament and found by me to be a true and correct print of the said Bill.

M. T. BETTS-PRIDDY,  
Acting Clerk of Parliament.