

dated 21st January, 1982

21st day of January, 1982.

SIAKA STEVENS,
President.

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Sierra Leone

The Commissions of Inquiry (Amendment) Act, 1982 Short title,

[21st January, 1982.] Date of Commencement.

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

1. Section 7 of the Commissions of Inquiry Act is hereby repealed and replaced by the following new section—
Repealed and replaced by the following new section—
of section 7 of Cap 54.

"Commissioners to inquire and report to President.

7. (1) (a) The Commissioners shall, after taking such oath, make a full, faithful and impartial inquiry into the matter specified in such commission, and conduct such inquiry in accordance with the directions (if any) in the commission; and, in due course, shall report to the President, in writing, the result of such inquiry; and may make such recommendations as may be necessary.

(b) The Commissioners shall, when required, furnish to the President a full statement of the proceedings of such commission, and of the reasons leading to the conclusions arrived at or reported.

President may make an Order on receipt of Commissioners' report.

(2) Upon the receipt of such report, if it appears to the President that any person has acquired assets for himself or in the name of any other person in an unlawful manner or is responsible for any irregularity or malpractice resulting in any financial loss to the Government of Sierra Leone or to any local authority or corporation, or any other body whatsoever, the President may, on the advice of the Cabinet, make an Order—

(a) requiring such person to make good the financial loss to the Government of Sierra Leone, or any local authority or corporation or any other body as the case may be; or

(b) forfeiting to the Government of Sierra Leone or any local authority or corporation or any other body as the case may be, all or any part thereof of the assets of such person, whether or not such assets are in his name.

(3) Any Judge of the High Court shall, upon application by the Attorney-General and Minister of Justice, make such Order or Orders as may be necessary for the purpose of giving full effect to the Order for forfeiture of assets made by the President under subsection (2) hereof, and shall in particular but without prejudice to the generality of the foregoing, where necessary, order any person to execute such instrument as may be necessary for enabling any assets situated

outside Sierra Leone to be vested in the Government of Sierra Leone, or any local authority or corporation, or any other body as the case may be.

Details of assets.

(4) Any Order made under sub-section (2) may include provision for vesting the assets or any part thereof or the property in such assets or part thereof in a department of Government, a local authority or corporation or any other body as the case may be and, in particular, the Order may direct—

- (a) in the case of assets lodged in a bank, the Manager or a person in charge of the bank in which the assets are lodged shall pay the assets into the Consolidated Fund, or any bank account as the case may require;
- (b) in the case of assets in the form of stocks, shares, debentures, bonds or choses-in-action, the responsible officer concerned shall register them as required or necessary, in the name of the Government of Sierra Leone or any local authority or corporation, or any other body as the case may require;
- (c) in the case of assets in the nature of immovable property the Administrator and Registrar-General shall remove the name of the person or that of any person in whose name the property is registered, from the Register and register forthwith such property in the name of the Government of Sierra Leone or any local authority or corporation, or other body as the case may be, and the property shall vest forthwith in the Government of Sierra Leone or local authority or corporation, or other body (as the case may be) as from the date of such Order.

Order to be effective notwithstanding anything to the contrary.

(5) Any Order made by the President under sub-section (2) for the restitution or forfeiture of assets shall have effect notwithstanding anything to the contrary in any enactment contained.

Order of forfeiture not to be challenged.

(6) Notwithstanding any provisions to the contrary in any law contained, no court whatsoever shall be competent to inquire into any Order made under this section."

Amendment of Cap. 54.

2. The Commissions of Inquiry Act is hereby amended by the addition immediately after section 17 thereof of the following new sections—

"Prohibition of transfer of assets.

18. From the date of the appointment of any Commission of Inquiry under this Act, no sale, lease, transfer or other disposition as the case may be of any asset specified in the Second Schedule hereto, being an asset owned wholly or partly by any of the persons whose conduct is being inquired into under this Act, shall be valid, unless the sale, lease, transfer or other disposition is made with the prior approval of the Attorney-General and Minister of Justice.

Voidance of sales, etc. made to defeat the purpose of this Act.

19. From the date of the appointment of any Commission of Inquiry under this Act, any sale, lease, transfer or other disposition as the case may be of any asset specified in the Second Schedule aforesaid which was made in defraud of or calculated to be made in circumvention of this section shall be deemed to be void, unless the Attorney-General and Minister of Justice approves the sale, lease, transfer or other disposition as the case may be.

Withdrawal of money prohibited except with the permission of the Attorney-General and Minister of Justice.

20. (1) Except with the permission in writing of the Attorney-General and Minister of Justice, no person whose conduct is being inquired into under this Act shall withdraw or authorise the withdrawal of more than a total sum of five hundred leones from all his bank accounts for any one month, from the date of the appointment of the Commission of Inquiry to the date of any Order made by the President under sub-section (2) of section 7.

(2) For the purpose of this section, the term "withdrawal" shall include any transfer of money whatsoever.

Securities not to be taken from bank.

21. Except with the permission in writing of the Attorney-General and Minister of Justice, no person shall obtain from any bank, any security deposited by any person whose conduct is being inquired into under this Act or any other thing deposited with any bank

for safe keeping by any such person or any document relating to any such security or thing, from the date of the appointment of the Commission of Inquiry to the date of any Order made by the President under sub-section (2) of section 7.

Bank not to part with securities.

22. Except with the permission in writing of the Attorney-General and Minister of Justice, no banker shall deliver to any person or otherwise part with any security, thing, or document referred to in section 21.

Penalty.

23. Any person who contravenes any of the provisions of sections 18, 19, 20, 21, and 22 shall be guilty of an offence, and liable on summary conviction to a fine not exceeding four thousand leones or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Saving.

24. Nothing in this Act 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."

3. The Schedule to the Commissions of Inquiry Act is hereby amended as follows— Amendment of Schedule of Cap. 54.

(a) by deleting the word "Schedule" from the heading thereof and replacing it by the following words—

"FIRST SCHEDULE (Section 10)"

(b) by the addition immediately after the First Schedule of the following new Schedule—

"SECOND SCHEDULE (Sections 18 & 19)

Any land, monies, bonds, shares in a Company, stock, car, lorry and such other vehicle."

4. The Prohibition of Transfer of Assets Decree, 1967 and the Commissions of Inquiry (Forfeiture of Assets) (No. 2) Decree, 1967 are hereby repealed: Repeal and Saving, N.R.C. Decrees Nos. 8 and 46 of 1967.

Provided that all Rules, Orders, Notices or other Regulations subsisting and made under those Decrees shall remain in force until they are expressly revoked or replaced by any Order, Rule, Notice or other Regulation made under this Act.

Passed in Parliament this *13th* day of January, in the year of our Lord one thousand nine hundred and eighty-two.

J. W. E. DAVIES,
Clerk of Parliament

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

J. W. E. DAVIES,
Clerk of Parliament