

Assented to in Her Majesty's name this 31st day of  
*January, 1966.*

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H. J. L. BOSTON,  
*Governor-General*

LS

No. 6



Sierra Leone

1966

**The Non-Citizens (Trade and Business) Act, 1966** Short title.  
**Being an Act to Exclude Non-Citizens from Certain Trades or Business  
in Certain Areas and from other Industries and to prevent Non-  
Citizens from opening New Business and to Encourage Industry and  
Business Promoted by Citizens of Sierra Leone**

[3rd February, 1966.] Date of  
commence-  
ment.

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:—

Interpreta-  
tion.

1. In this Act and in any other Act dealing with matters relating to trade or business unless the contrary intention appears—

“business” includes every trade, occupation or profession and relates not merely to a life long or universal business or a long undertaking, but to any separate commercial venture in which any person may embark;

“citizen” means subject to paragraph (c) of the definition of “non-citizen” under this section an individual who is a citizen of Sierra Leone by virtue of the provision of Chapter I of the Constitution or any enactment made in accordance therewith;

“investor” includes any shareholder or any other person who not being a shareholder has a financial interest in the affairs of the company or business of value not below 20,000 leones;

“places of entertainment or refreshment” means cinemas, theatres and cafes or hotels or other similar establishments which are reputable places of public resort for entertainment or refreshment;

“Minister” means the Minister for the time being charged with responsibility for matters relating to trade.

“non-citizen” means—

(a) any individual who is not a citizen of Sierra Leone; and

(b) any company, association or body of persons (corporate or incorporate)—

(i) in which more than half of the members are persons who are not citizens of Sierra Leone; or

(ii) which by any means is controlled whether directly or indirectly by such persons; or

(iii) in the case of a company having a share capital in which more than one half of the share capital is held beneficially by or on behalf of or in trust for such persons;

(c) any citizen carrying on business which either before or after the commencement of this Act is by any means vested in him as owner or proprietor as the case may be, but which in fact is directly or indirectly owned or controlled, in any way whatsoever by a non-citizen;

“retail” means the sale of goods to the general public in such quantities as the Minister may by Order specify.

“trade” means the exchange of goods for money or moneys worth and also the importation or exportation of goods into or out of Sierra Leone.

Declaration  
of restricted  
areas.

2. (1) The Minister may from time to time by Order declare any area in Sierra Leone to be a restricted area.

(2) Any non-citizen engaged in any business or retail trade in a restricted area shall within such period as the Minister may permit being not less than six months, in the case of any business, or less than three months in the case of any retail trade, from the date of an Order made under subsection (1), cease to operate or participate in business or retail trade in such restricted area.

3. (1) As from the commencement of this Act no non-citizen shall engage in any new business or retail trade, or open a new branch of an existing business or retail trade without the prior approval of the Minister in writing.

Non-Citizen not to open new business.

(2) Any business or retail trade conducted by a non-citizen in premises other than those occupied by him on the 1st day of April, 1965, shall be deemed to be a new branch for the purposes of subsection (1).

(3) If any question arises as to whether any person is carrying on a business or retail trade, or whether or not premises have or have not been extended, the matter may be referred to the Minister whose decision on such matter shall not be questioned by any court.

Questions to be referred to the decision of the Minister.

4. (1) Non-citizens owning or managing any place of entertainment or refreshment or supermarkets duly registered under section 6 may be exempted from all or any of the provisions of any Orders made by the Minister under this Act.

Places of entertainment or refreshments, supermarkets and canteens

(2) A canteen provided exclusively for the benefit of the employee of any non-citizen and not so run or managed for profit shall be exempted from the provisions of this Act.

5. (1) Non-citizens shall within such period as the Minister may permit, not being less than six months from the commencement of this Act cease to operate or participate in any of the following businesses or retail trade—

Non-citizen to cease operating certain business.

- (a) the manufacture of cement blocks for sale;
- (b) the supply of granite, stone or sand;
- (c) the provision of transport by road, sea or river whether for his own business or otherwise:

Provided that any non-citizen now operating vehicles or vessels in the ordinary course of a business) undertaking (which is not a transport undertaking may continue to operate the vehicles or vessels operated by him at the commencement of this Act and may replace such vehicles or vessels with the prior approval of the Minister:

Provided further that any non-citizen authorised to engage in any new business or retail trade under the provisions of section 3 as the case may be, may with the prior approval of the Minister in writing provide transport for the purpose of his own business:

- (d) Bakeries:

Provided that any non-citizen who at the commencement of this Act is operating a bakery may continue to operate the bakery from existing premises so long as those premises are not extended:

(e) Manufacture of Mineral Waters:

Provided that any non-citizen who is operating a Mineral Water Factory at the commencement of this Act may continue to use the existing premises for this purpose so long as those premises are not extended:

(f) any other business or retail trade as the Minister may from time to time by Order in the *Gazette* stipulate:

Provided that where the Minister makes an Order under this paragraph the aforesaid period of six months shall begin to run as from the commencement of the Order.

(2) In this section "transport undertaking" means the operation of any vehicle or vessel for hire or for the transport of passengers or goods not employed by or belonging to the owner of such vehicle or vessel and for the purposes of this subsection "owner" has the meaning assigned to it in section 2 of the Road Traffic Act, 1964.

No. 62 of  
1964.

Registration  
of business,  
trade and  
entertain-  
ment houses.

6. (1) Every non-citizen who receives approval which may be given under this Act or exempted from any Orders made by the Minister under this Act shall register and upon registration shall pay such fee as the Minister may by Order in the *Gazette* prescribe on the issue of a registration certificate. Such certificate shall be on such conditions and subject to such restriction, if any, as the Minister may specify therein.

(2) Every certificate shall be valid for twelve months calculated from the date upon which it was issued and thereafter may be renewable for a further period and for such fee as the Minister may by Order in the *Gazette* prescribe:

Provided that the fee prescribed in respect of supermarkets shall not be less than two hundred and fifty leones.

(3) Any person who fails to register when required under this section to do so or destroys or mutilates any certificate issued under this section shall be guilty of an offence and shall on summary conviction be liable to imprisonment for twelve months, or to a fine not exceeding three hundred leones, or to both such fine and imprisonment.

7. (1) Any investor in respect of whom an Order or decision is made may appeal to the Governor-General against such Order or decision within three months. Every such appeal shall be in writing specifying the grounds and reasons upon which the appeal is made, and shall be deposited with the Permanent Secretary of the Ministry concerned with the administration of matters relating to trade. Appeal from Order of Minister to Governor-General.

(2) The Governor-General may entertain an appeal by any investor who is aggrieved by any Order or decision of the Minister made in pursuance of the provisions of this Act, and his decision upon the same shall not be questioned in any court of law.

(3) For the purpose of appeal the Governor-General may set up an Advisory Committee consisting of persons who shall be appointed by him from time to time to be members of such Committee one shall be the Chairman. The functions of the Committee shall be to consider and make recommendations to the Governor-General with respect to any appeal which the Governor-General may refer to it.

(4) The Committee shall determine the manner in which the appeal against the Order or decision of the Minister may be considered by it and may receive or inspect any documents submitted to it by, or or hear any person whom it considers can be of assistance to it in its deliberations.

(5) Pending the consideration of and decision upon any appeal under this section the Order or decision appealed from shall remain in full force and effect.

8. In any case where the Prime Minister is satisfied that it is desirable in the national interest for the protection or encouragement of any infant industry or business operated by citizens of Sierra Leone he may advise the Governor-General who acting in accordance with such advice shall exercise the powers conferred upon him by subsection (4) of section 9 of the Income Tax Act, sections 27 and 37 of the Customs Act and section 15 of the Customs Tariff Act for the benefit of such industry or business to such extent as the Prime Minister may deem expedient. Exemption.  
Cap. 273.  
Cap. 271.  
Cap. 272.

9. Any non-citizen who contravenes or fails to comply with the provisions of sections 2, 3, 4 or 5 shall be guilty of an offence against this Act and liable to a fine not exceeding ten thousand leones (and in the case of a continuing offence) to a further penalty recoverable at the instance of the Attorney-General not exceeding fifty leones per day for each day after written notice of the offence has been served on him or to imprisonment for a period not exceeding three years and in addition to any of the foregoing penalties the Court by whom such person is convicted may recommend that an Expulsion Order be made against him under section 21 of the Non-Citizens (Registration, Immigration and Expulsion) Act, 1965. Penalty.  
No. 14 of 1965.

10. The Non-Citizens (Restriction of Trade or Business) Act, 1965 is hereby repealed, except that all Orders made and all proceedings instituted under the repealed Act shall continue in force as if such Orders were made and such proceedings instituted under this Act. Repeal of Act No. 30 of 1965.

Passed in the House of Representatives this *11th* day of *January*, in the year of our Lord one thousand nine hundred and sixty-six.

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. SF/MTI/14/33.