

ACTS

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THE SIERRA LEONE MARITIME ADMINISTRATION ACT, 2000

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SIGNED this 6th day of June, 2000.

ALHAJI AHMAD TEJAN KABBAH,
President.

LS

No. 11



Sierra Leone

2000

The Sierra Leone Maritime Administration Act, 2000 Short title.

Being an Act to establish an autonomous body for the registration of ships and other vessels, the licensing and safety of maritime personnel and for the regulation and development generally of maritime, coastal and inland water transport and for other matters connected therewith.

[22nd June, 2000] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I — PRELIMINARY

Commence-
ment.

1. This Act shall come into operation on a date to be fixed by the Minister by order in a statutory instrument.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Administration” means the Sierra Leone Maritime Administration established by section 3;

“Board” means the Board referred to in subsection (1) of section 4;

“Chairman” means the Chairman of the Board referred to in subsection (2) of section 4;

“Executive Director” means the Executive Director appointed under section 13;

“Flag State” means the state whose flag a ship is entitled to fly;

“member” means a member of the Board;

“Minister” means the Minister responsible for transport;

“Port State” means a state in whose port a ship sails subject to the appropriate convention;

“Ship” includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether mechanically propelled or otherwise or towed; (Port Act 1964 as amended in 1970)

“Vessel” includes an ocean going ship, locally constructed boat and any other vessel plying the coastal inland waterways of Sierra Leone.

PART II — ESTABLISHMENT OF ADMINISTRATION

Establishment
of Administra-
tion.

3. (1) There is hereby established a body to be known as the Sierra Leone Maritime Administration.

(2) The Administration shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Administration shall have a common seal, the use of which shall be authenticated by the signature of the Executive Director and other members of the Board designated in that behalf by the Board.

4. (1) The governing body of the Administration shall be a Board which shall, subject to this Act, have the control and supervision of the Administration. Board of Administration.

(2) Without prejudice to subsection (1), the Board shall be responsible for:—

- (a) securing the implementation of the functions of the Administration;
- (b) the approval of policies for the proper management of the Administration; and
- (c) the sound and proper financial management of the Administration.

(3) The Board shall consist of a Chairman and eight other members.

(4) The Chairman shall be a person—

- (a) with a formal qualification and high standing in any of the professions recognised by the laws of Sierra Leone; or
- (b) with a formal qualification and proven ability in business administration or management,

but no person shall be appointed Chairman if he has any financial interest, whether directly or indirectly, in any maritime business or undertaking.

(5) The other members shall consist of—

- (a) four persons being senior officials designated as representatives respectively by each of the following:—

- (i) the Ministry responsible for transport;
 - (ii) the Ministry responsible for fisheries and marine resources;
 - (iii) the Department of Customs and Excise; and
 - (iv) the Ports Authority;
- (b) a person appointed for his knowledge and experience in the legal aspect of the maritime industry.
- (c) the Executive Director appointed under section 13; and
- (d) three persons, one of whom shall be nominated by the Minister and the others nominated by an association of persons in the maritime and coastal and inland water transport business recognised by the Minister.

Tenure of
appointed
members.

5. (1) The Chairman and the other members referred to in paragraph (c) of subsection (4) of section 4 shall be appointed by the President, acting on the advice of the Minister and subject to the approval of Parliament.

(2) The Chairman and the members appointed under paragraph (c) of subsection (4) of section 4 shall hold office for a term not exceeding three years as may be stipulated in their letters of appointment and any such appointment may be renewed as and when necessary.

(3) On the death or vacation of office of the Chairman or any of the other members referred to in subsection (1), whether such vacation is by termination or otherwise, the President may appoint in like manner another person to serve for the unexpired term of the Chairman or other member, as the case may be.

(4) The Chairman or any member referred to in subsection (1) may resign his office by written notice to the President and may be removed from office by the President for inability to discharge the

functions of his office, whether arising from infirmity of mind or body or any other cause, or for misconduct.

6. The Chairman and the other members shall be paid such remuneration or allowances as Parliament may determine and shall be reimbursed by the Administration, with the approval of the Minister, for expenses incurred in connection with the discharge of their functions.

Remuneration
and expenses
of Board
members.

7. (1) The Board shall hold its first meeting on such date and at such place as the Minister, after consultation with the Board, may determine; and thereafter, the Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit:

Proceedings of
Board.

Provided that the Board shall meet at least four times in a year.

(2) An extraordinary meeting of the Board shall be held at the request in writing of the Chairman or of one-third of the membership of the Board.

(3) At a meeting of the Board where he is present, the Chairman shall preside and, in his absence, the members present may elect one of their number to preside.

(4) The quorum at a meeting of the Board shall be six.

(5) Each member shall have one vote but in the case of an equality of votes, the Chairman shall have a casting vote.

(6) The Board may at any time co-opt any person to advise or otherwise assist the Board at any of its meetings but the person co-opted shall not vote on any matter for decision by the Board.

(7) All acts, matters or things authorized or required to be done by the Board shall be decided at a meeting where a quorum is present and the decision is supported by the votes of at least two-thirds of the members.

(8) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting

of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

Disclosure
of interest.

8. (1) Any member having a personal interest whether pecuniary or otherwise, direct or indirect in any contract of the Administration or in any company or concern with which the Administration proposes to make any contract, shall disclose to the Board the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board, and such member shall take no part in any deliberation or decision of the Board relating to such contract.

(2) Any member who contravenes the provisions of subsection (1) shall be guilty of misconduct and liable to removal from the Board.

Committee
of Board.

9. The Board may, for the efficient discharge of its functions appoint any committee consisting of members of the Board or non-members or both as the Board may determine and assign to such committee such functions as the Board may determine.

PART III — FUNCTIONS OF ADMINISTRATION

Functions of
Administration.

10. (1) The object for which the Administration is established is to regulate and develop improved standards of performance, practice and safety in the shipping industry in Sierra Leone, including the coastal and inland water transport system, and in the maritime environment.

(2) Without prejudice to the generality of subsection (1), it shall be the responsibility of the Administration to carry out the following functions:—

- (a) to administer, in addition to the administration of the Registration of Shipping Act, 1965 referred to in the new Clause (14), any other legislation relating to maritime affairs;

- (b) to ensure the safety of navigation in the territorial sea;
- (c) to fulfil flag state and port state responsibilities in an effective manner having regard to the relevant international maritime conventions, codes and other instruments;
- (d) to deal with maritime search and rescue matters including the coordination of the search and rescue operations of the Armed Forces of Sierra Leone, the Ports Authority, and the Department of Fisheries and Marine Resources;
- (e) to regulate shipping in inland waterways, including the safety of navigation therein;
- (f) to cause to be investigated any incidents of maritime casualty and taking such action thereon as may be appropriate;
- (g) to plan, monitor and evaluate training programmes against any maritime conventions and to oversee the training, recruitment and welfare of Sierra Leonean seafarers accordingly;
- (h) to ensure in collaboration with such other public bodies as the Board may determine the prevention of maritime source pollution, protection of the marine environment and response to marine environment incidents;
- (i) to pursue the ratification or accession and implementation of international maritime conventions in conjunction with other appropriate agencies of Government;
- (j) to assess the manpower needs of the maritime sector for national planning purposes;
- (k) to liaise effectively with other public bodies of maritime transport and related transport matters

for the purposes of harmonizing activities in the maritime industry;

- (l) to initiate research into national maritime transport development for effective planning and coordination;
- (m) to ensure an efficient, cost-effective and orderly provision of shipping services, including the determination of rates for freight and passenger services;
- (n) to initiate action for the promotion, establishment and development of private shipping lines;
- (o) to propose policies for the development and maintenance of maritime infrastructure such as ports and harbours with other interested organizations in Sierra Leone;
- (p) to advise the Government on maritime affairs generally;
- (q) to represent Sierra Leone at both national and international fora on maritime matters, and
- (r) to do all such things as will contribute to the attainment of the objective of the Administration stated in subsection (1).

Power to impose freight levy on ships.

Act No. 56 of 1964.

11. (1) The Administration shall have power in connection with its functions under this Act and after consultation with the Ports Authority established by section 3 of the Ports Act, 1964, to impose, by statutory instrument a charge on all vessels in respect of the manifested cargo discharged or loaded in Sierra Leone.

(2) The rate of any charge imposed under this section shall be as approved by the Board from time to time.

(3) The statutory instrument referred to in subsection (1) shall prescribe the procedure for the payment of the charge imposed and shall include provision for the payment of the charge—

- (a) by the owner or person in charge of the vessel concerned before departure from port in Sierra Leone;
- (b) to be made in a freely convertible currency; and
- (c) either directly to the Administration or to any agent of the Administration.

(4) As from the commencement of this Act, the power granted by section 66 of the Ports Act, 1964 for the levying of rates by the Ports Authority shall not include the charge imposed under this section. Act No. 56 of 1964.

(5) Subject to the directions, if any, of the Minister, the proceeds of any charge imposed under this section shall be managed by the Administration and shall be applied to finance the activities and objectives of the Administration within the framework of the operational plans and budget approved by the Board under section 18.

12. (1) Notwithstanding any other enactment, the Administration shall be responsible for the administration and enforcement of the following Acts:— Administration of certain enactments and other transferred functions.

- (a) the Carriage of Deck Passengers Act, 1961; Act No. 55 of 1961.
- (b) the Registration of Shipping Act, 1965. Act No. 26 of 1965.

(2) Pursuant to paragraph (a) of subsection (1), the Carriage of Deck Passengers Act, 1961 is amended as follows:— Amendment of Act No. 55 of 1961.

- (a) in section 3, by the insertion immediately before the word "vessel" appearing therein of the following:—

"Sierra Leone Maritime Administration" means the Administration established by section 3 of the Sierra Leone Maritime Administration Act, 2000";

- (b) in section 6, by the substitution for the penalties of "two hundred pounds" and "ten pounds"

prescribed therein of "two million leones" and "five hundred thousand leones" respectively;

- (c) in subsection (1) of section 8, by the substitution for the words "The Minister may by notice in the *Gazette*", of the words, "The Minister, acting on the advice of the Sierra Leone Maritime Administration, may by notice in a statutory instrument";
- (d) in subsection (1) of section 11, by the substitution for the words "The Harbour Master, or any person acting on his behalf", of the words "The Harbour Master or any other person acting on behalf of the Sierra Leone Maritime Administration,";
- (e) in section 12, by the insertion immediately after the word "may" appearing therein, of the words: "acting on the advice of the Sierra Leone Maritime Administration,";

(3) Pursuant to paragraph (b) of subsection (1), the Registration of Shipping Act, 1965 is amended as follows:—

Amendment
of Act No. 26
of 1965.

- (a) in section 1,
 - (i) by the substitution for the word "Comptroller" appearing at end of the definition of "authorised person" of the words "Sierra Leone Maritime Administration,";
 - (ii) by the deletion of the definition of "Comptroller";
 - (iii) by the insertion immediately after the definition of "registered" of the following definition:—

"Sierra Leone Maritime Administration" means the Administration established by section 3 of the Sierra Leone Maritime Administration Act, 2000";

- (c) in sections 5 to 59, by the substitution for “Comptroller” wherever it occurs in those sections of “Sierra Leone Maritime Administration”;
- (d) in subsection (6) of section 11,
 - (i) by the substitution for “Minister of Finance” appearing therein of “Sierra Leone Maritime Administration”;
 - (ii) by the substitution for the full stop at the end thereof, of a colon and the insertion of the following: —

“Provided that any fees determined by the Minister and in force immediately before the commencement of the Sierra Leone Maritime Administration Act, 2000 shall continue in force until revoked under this Act”.

13. There is hereby transferred to the Administration any register book which immediately before the commencement of this Act was kept or maintained by the Comptroller of Customs and Excise under section 49 of the Registration of Shipping Act, 1965.

Transfer of register book.

Act No. 26 of 1965.

14. (1) The Administration shall have an Executive Director who shall be appointed by the President on the advice of the Minister and subject to the approval of Parliament.

Appointment of Executive Director.

(2) The appointment of the Executive Director shall be upon such terms and conditions as the Board may, with the approval of the Minister, determine.

(3) No person shall be appointed Executive Director unless he has—

- (a) formal qualification in any profession or discipline relevant or appropriate to the operations of the Administration; and
- (b) such proven ability in public administration or management as the Board may determine.

Functions of
Executive
Director.

15. (1) Subject to this Act and any general directions which the Board may give, the Executive Director shall be responsible for the efficient organisation and management of the Administration; and

(2) Without prejudice to subclause (1) it shall be the function of the Executive Director as the Chief Executive Officer of the Administration but subject to any directions from the Board, to—

- (a) formulate and implement the operational policies, programmes and plans relating to the functions of the Administration as may be approved by the Board;
- (b) determine and provide the technical needs of the Administration;
- (c) initiate and maintain high-level contact with local interest groups and international institutions in the shipping and maritime industry;
- (d) ensure the regular training and development of the staff of the Administration based on such personnel or manpower guidelines as may be approved by the Board; and
- (e) to provide overall leadership in the conduct and management of the day-to-day business or activities of the Administration.

Appointment
of Deputy
Executive
Director and
other staff.

16. (1) The Administration may also, subject to such terms and conditions as the Board shall determine, appoint a Deputy Executive Director and such other officers and staff as it considers necessary for the efficient performance of its functions under this Act.

(2) In making any appointment under subsection (1), the Administration shall limit recruitment to positions for which there are vacancies, each with a job description and a continuing justification and based on a general policy—

- (a) to recruit only persons with the requisite formal qualifications, working experience, knowledge, skills and aptitude for the vacancy concerned;

- (b) to recruit internally if qualified candidates can be identified; and
- (c) to ensure non-discrimination and equality of treatment for all applicants.

(3) The Administration shall have, for the efficient performance of its functions, such divisions as may be required.

17. Public officers may be seconded or otherwise render assistance to the Administration but the Administration may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Administration.

Secondment of public officers.

18. No officer or employee of the Administration or any person acting on the directions of an officer or employee of the Administration shall be liable in respect of any matter or thing done by him in good faith under this Act.

Protection of officers and other employees.

19. Subject to the approval of the Board, the Board may from time to time engage the services of such experts or consultants as it may consider necessary.

Consultants or experts to be engaged as required.

PART IV — PLANNING AND FINANCIAL MANAGEMENT

20. (1) The basic planning framework of the Administration shall be the medium-term plan of between two and three years' duration which shall specify the objectives and the strategies to be adopted for their implementation together with a forecast of their effect on key aspects of the performance of the Administration.

Operational plans and budget.

(2) The medium-term plan shall be elaborated into detailed operational annual plans supported by annual operating, cash and capital expenditure budgets.

(3) An annual plan of activities prepared and finalized by the Executive Director shall be submitted not later than three months before the beginning of the financial year of the Administration for the approval of the Board.

Funds of
Administration.

21. (1) The activities of the Administration shall be financed by a fund consisting of—

- (a) the proceeds of the charge imposed under section 10;
- (b) any moneys accruing to the Administration in the course of its operations, including fees charged for its services which by law are not required to be paid to the Government or into the Consolidated Fund;
- (c) any loans raised by the Administration with the approval of the Minister;
- (d) any investment revenue; and
- (e) gifts or donations from any person or organisation.

(2) Subject to section 21, the funds of the Administration shall be utilized only on the basis of the annual operational plans and budgets, so however, that expenditures shall not exceed expected incomes.

Full cost-
recovery for
services of
Administration.

22. The fees and other charges referred to in paragraphs (a) and (b) of subsection (1) of section 19 shall be fixed to ensure the recovery of the full costs of the work involved in the services provided and the realisation of the optimal commercial value for the facilities and opportunities provided to users.

Borrowing
powers of
Administration.

23. (1) The Administration may borrow money required by it for carrying out its functions under this Act or any other law subject to the approval of the Minister as to the amount, the sources of borrowing and the terms and conditions of the loan.

(2) The approval of the Minister under subsection (1) may be either general or limited to a particular transaction.

24. Where any person, body of persons or department of Government requires the Administration to perform any task or service outside its annual budget, the money to meet the cost involved shall be provided by such person, body of persons or department of Government.

Expenditure
outside
Administration
budget.

25. (1) The Administration shall keep proper books of account and other records in relation to the business or activities of the Administration in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Administration a statement of accounts designed to—

Accounts
and audit.

- (a) indicate monthly expenditures;
- (b) provide data for up-to-date budget control based on the management information system of the Administration; and
- (c) ensure correct use of the funds of the Administration.

(2) The accounts of the Administration kept under subsection (1) shall be audited by the Auditor-General or by an auditor appointed by him.

(3) The statement of accounts and the audit report thereon shall be submitted to the Board for approval and a copy shall be submitted to the Minister as part of the annual report required to be laid by the Minister before Parliament under subsection (3) of section 26.

26. The financial year of the Administration shall be the same as that of the Government.

Financial year
of Administra-
tion.

PART V — MISCELLANEOUS PROVISIONS

27. The Minister may in writing give directions of a general policy nature to the Administration concerning its operations in relation to any matter appearing to affect the public interest and the Administration shall comply with such directions.

Minister's
power of
direction.

annual report
of
Administration.
on.

28. (1) The Administration shall, within three months after the end of each financial year, submit for the approval of the Board an annual report of its activities, operations, undertakings, property and funds for that year.

(2) Subject to subsection (1), an annual report shall include—

- (a) a copy of the audited accounts of the Administration together with the Auditor-General's report thereon;
- (b) a statement of all directions given by the Minister to the Administration under section 25; and
- (c) such other information as the Board may by writing request.

(3) A copy of the annual report approved by the Board shall be sent to the Minister not later than six months after the end of the year to which the report relates and the Minister shall as soon as possible but not later than one month after the receipt of the report cause the report to be laid before Parliament.

(4) In addition to the annual report, the Administration shall submit such other reports on the affairs of the Administration as the Minister may in writing require.

Rules and
regulations.

29. The Administration may by statutory instrument make such rules and regulations as it may consider necessary or expedient for giving effect to the provisions of this Act.

Passed in Parliament this *16th* day of *May*, in the year of our Lord two thousand.

J. A. CARPENTER,
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. A. CARPENTER,
Clerk of Parliament.

THE INDEPENDENT MEDIA COMMISSION ACT, 2000

ARRANGEMENT OF SECTIONS

Section

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SCHEDULE (Section 29)