

STATUTORY INSTRUMENT

Supplement to the Sierra Leone Gazette Vol. CLXIV, No. 84

dated 14th December, 2023

INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA REGULATIONS, 2023.

ARRANGEMENTS OF REGULATIONS REGULATIONS.

PART I - PRELIMINARY

1. Definitions
2. Application.

PART II - AUTHORITIES

3. Management Authority.
4. Scientific Authority.
5. Enforcement Agency.
6. Coordination Committee.

PART III - CONDITIONS FOR INTERNATIONAL TRADE

7. Export permit for trade in specimen of species in Appendix I.
8. Import permit for trade in specimen of species in Appendix I.
9. Re-export certificate for trade in specimen of species in Appendix I.
10. Introduction from the sea for specimen of species in Appendix I.
11. Export permit for trade in specimen of species in Appendix II.
12. Import permit for trade in specimen of species in Appendix II.
13. Re-export certificate for trade in specimen of species in Appendix II.
14. Introduction from the sea for specimen of species in Appendix II.
15. Export permit for trade in specimen of species in Appendix III.
16. Import permit for trade in specimen of species in Appendix III.
17. Validity of permits and certificates.
18. Powers of Management Authority.

PART IV - REGISTRATION AND MARKING

19. Registration with Management Authority.
20. Specimens of animal species bred in captivity.

PART V - EXEMPTIONS AND SPECIAL PROCEDURES

21. Transit and transshipment.
22. Pre-convention specimens.
23. Personal and household effects.
24. Specimens bred in captivity or artificially propagated.
25. Scientific exchange.
26. Travelling exhibitions.

PART VI - OFFENCES AND PENALTIES

27. Offences.
28. Offences by organised criminal group.
29. Enforcement powers.

PART VII - CONFISCATION AND DISPOSAL OF CONFISCATED SPECIMENS

30. Confiscation, forfeiture and disposal of property.

PART VIII - FINANCIAL PROVISIONS

31. Fees.
32. Wildlife Conservation Fund.

STATUTORY INSTRUMENT NO. 13 OF 2023

Published 14th December, 2023

THE WILD LIFE CONSERVATION ACT, 1972.
(ACT NO. 27 OF 1972)

INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA REGULATIONS, 2023. Short title

In exercise of the powers conferred on him under section 74 of the Wildlife Conservation Act, 1972, the Minister of the Environment and Climate Change hereby makes the following Regulations -

PART I—PRELIMINARY

1. In these Regulations, unless the context otherwise requires- Definitions.

"Appendix I" means species threatened with extinction and trade in specimens of these species is permitted only in exceptional circumstances;

"Appendix II" means species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival;

"Appendix III" means species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade;

"artificially propagated" means plants grown under controlled conditions from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt from the control of the Convention or have been derived from cultivated parental stock;

"bred in captivity" means offspring, including eggs, born or otherwise produced in a controlled environment of parents that mated or otherwise transmitted their gametes in a controlled environment, as defined in Resolutions of the Conference of the Parties;

"Certificate of Origin" means a document that authorises the export of specimens of species listed in Appendix III when the specimens originated in a non-listing Party;

"CITES" or "the Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

"CITES Secretariat" means the Secretariat of the Convention as referred to in Article XII of CITES;

"Conference of the Parties" means the Conference of the Parties to the Convention referred to in Article XI of the Convention;

"controlled environment": environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to: artificial housing, waste removal, health care, protection from predators, and artificially supplied food;

"country of origin": the country in which a specimen has been taken in the wild or born or bred in captivity or artificially propagated, or introduced to from the sea;

"cultivated parental stock": means the ensemble of plants grown under controlled conditions that are used for reproduction, and which must have been, to the satisfaction of the designated CITES authorities of the exporting country established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild and maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock;

"derivative" in relation to an animal, plant or other organism, means any part, tissue or extract, of an animal, plant or other organism, whether fresh, preserved or processed, and includes any chemical compound derived from such part, tissue or extract;

"enforcement officer" means a police officer, customs officer or a person appointed by the Minister;

"export" the act of taking any specimen out of any place under the jurisdiction of Sierra Leone;

"export quota" and "export quota system" means a management tool set by the Management Authority, as advised by the Scientific Authority, to ensure that exports of specimens of a certain species are

maintained at a level that has no detrimental effect on the population of the species;

"International Air Transport Association (IATA) Live Animal and Perishable Cargo Regulations" means the regulations for the transport of live animals and perishable cargo established by the International Air Transport Association;

"import" means to land, bring into, introduce into or attempt to land on, bring into or introduce into, any area subject to the jurisdiction of Sierra Leone other than transit and transshipment of any specimen covered by these Regulations;

"introduction from the sea" means transportation into Sierra Leone of specimens of any species taken from the marine environment not under the jurisdiction of any State, including the air space above the sea and the seabed and subsoil beneath the sea;

"international trade" means an export, re-export, import and introduction from the sea;

"label" means a piece of paper, card, or other material bearing the acronym 'CITES' issued or approved by the Management Authority for the identification of contents as herbarium specimens, preserved, dried or embedded museum specimens or live plant material for scientific study;

"Legal Acquisition Finding (LAF)" means a verification by the Management Authority of the State of export to determine whether specimens were acquired consistent with national laws;

"Management Authority" means the national administrative body designated in accordance with Article IX of CITES and with functions in these Regulations;

"Minister" means the Minister charged with the responsibility for Environment and Climate Change;

"Non-Detriment Finding" means a finding by the Scientific Authority advising that a proposed export or introduction from the sea of Appendix I or II specimens will not be detrimental to the survival of the species and that a proposed import of an Appendix I specimen is not for purposes that would be detrimental to the survival of the species;

"organised criminal group": means a structured group of 3 or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit;

"permit or certificate" means the official document used to authorise import, export, re-export, or introduction from the sea of specimens of species listed in one of the Appendices of the Convention;

"person" means natural or legal person;

"personal or household effects" mean dead specimens, parts and derivatives that are the belongings of a private individual and that form or are intended to form part of his normal possessions;

"pre-convention certificate" means a document that confirms that a specimen was removed from the wild

or born in captivity or artificially propagated before the species concerned was first included in the appendices of the Convention;

"primarily commercial purposes" mean purposes whose non-commercial aspects do not clearly predominate;

"quota" means prescribed number or quantity of specimens that can be harvested, exported or otherwise used over a specific period of time;

"Readily recognizable part or derivative": any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the Appendices, unless such part or derivative is specifically exempted from the provisions of the Convention;

"re-export" means the export of any specimen that has previously been imported;

"rescue centre" means an institution designated by the Management Authority to look after the welfare of living specimens that have been seized or confiscated;

"sale" means any form of sale, including through the internet;

"Scientific Authority": the national scientific body designated in accordance with Article IX of CITES and with functions in these Regulations;

"species" means a species, sub-species, or a geographically separate population thereof;

"specimen" means -

- (a) an animal or plant, whether alive or dead of a species included in Appendices I, II and III of CITES;
- (b) a part or derivative which appears from an accompanying document, the packaging or a mark or label or from any other circumstances to be a part or derivative of an animal or plant of species included in Appendices I, II or III, unless such part or derivative specifically exempted from the provisions of CITES.

2. These Regulations shall apply to all animal and plant species listed in the Appendices I, II, and III of CITES as published by the CITES Secretariat on the Convention's official website. Application.

PART II - AUTHORITIES

3. (1) The Forestry Department of the Ministry shall be the Management Authority.
Management Authority.

(2) The Management Authority shall be responsible to -

- (a) grant permits and certificates in accordance with the provisions of the Convention and to attach to such permit or certificate any condition it may deem necessary;
- (b) communicate with the CITES Secretariat and other parties on scientific, administrative, enforcement and other issues related to the implementation of the Convention;
- (c) maintain records of international trade in specimens and prepare and submit an annual

report concerning such trade, to the Convention Secretariat by the 31st October of the year following the year to which the report refers;

- (d) coordinate the preparation of an annual illegal trade report, and submit it to the CITES Secretariat by the 31st, October of the year following the year to which the report refers;
- (e) coordinate the preparation of an implementation report on legislative, regulatory and administrative measures taken to enforce the Convention, and submit this report to the CITES Secretariat the year before each meeting of the Conference of the Parties;
- (f) coordinate national implementation and enforcement of the Convention and these Regulations and cooperate with other relevant authorities in this regard;
- (g) cooperate with the authority in charge of fisheries matters and coordinate in the execution of activities concerning international trade in commercially exploited activities of the CITES listed aquatic species;
- (h) consult with the Scientific Authority on the-
 - (i) issuance and acceptance of the CITES documents;
 - (ii) nature and level of trade in CITES listed species;

- (iii) setting and management of quotas, the registration of traders and production operations;
- (iv) establishment of rescue centres and the preparation of proposals to amend the CITES Appendices;
- (i) approve and monitor captive-breeding operations in consultation with the Scientific Authority and provide information to the CITES Secretariat for the registration of each captive-breeding operation that breeds under Appendix I - animal species in captivity or commercial purposes in compliance with rules specified by the Management Authority;
- (j) register with the CITES Secretariat, after consultation with the Scientific Authority, nurseries that artificially propagate specimens in Appendix I - plant species for export purposes upon advice from the Scientific Authority in compliance with rules specified by the Management Authority;
- (k) register with the CITES Secretariat, after consultation with the Scientific Authority, scientists and scientific institutions to facilitate the scientific exchange of specimens in compliance with the rules specified by the Management Authority in accordance with relevant provisions of the Convention and these Regulations;
- (l) assign a unique number for each registered scientific institution or scientist and update the information every 5 years;
- (m) manage and dispose of illegally traded and confiscated specimens of CITES listed species;

- (n) designate one or more rescue centres to look after the welfare of seized and confiscated living specimens;
- (o) represent Sierra Leone at regional and international meetings related to the Convention;
- (p) provide awareness-raising, training, education, and information related to the Convention;
- (q) advise the Minister on action to be taken for the implementation and enforcement of the Convention;
- (r) intervene in litigation before a court in any matter under these Regulations.

Scientific
Authority.

4. (1) The Head of Biological Sciences, Fourah Bay College, University of Sierra Leone is designated as the CITES Scientific Authority.

(2) The Scientific Authority shall be responsible to -

- (a) advise the Management Authority on whether or not a proposed export of a specimen of species listed in Appendix I or II of the Convention and these Regulations will be detrimental to the survival of the species involved;
- (b) advise, in the case of a proposed import of a specimen of a species in listed Appendix I of CITES, the Management Authority on whether or not the purposes of the import are detrimental to the survival of the species involved;

- (c) advise, in the case of a proposed import of a live specimen of a species listed in Appendix I, the Management Authority whether or not it is satisfied that the proposed recipient of the specimen is suitably equipped to house and care for it;
- (d) monitor the export permits granted for specimens of species listed in Appendix II, as well as the actual exports of such specimens, and advise the Management Authority of suitable measures to be taken to limit the issue of export permits when the population status of a species so requires;
- (e) advise the Management Authority on whether scientists and scientific institutions seeking registration for scientific non-commercial exchange meet the standards for registration;
- (f) advise the Management Authority on the disposal of confiscated or forfeited specimens;
- (g) advise the Management Authority on any matter the Scientific Authority considers relevant in the sphere of species protection;
- (h) perform any tasks foreseen in the Resolutions of the Conference of the Parties to in the case of a proposed import of a live specimen of species listed in Appendix I of CITES.

5. (1) The Sierra Leone Police is the agency with Enforcement
authorisation to enforce these Regulations. Agency.

(2) It shall be the duty of all public authorities to cooperate fully with the Management Authority in enforcing the provisions of these Regulations.

Coordination
Committee.

6. (1) There shall be a Coordination Committee which shall be responsible to ensure regular coordination, collaboration and communication on matters related to the national implementation and enforcement of these Regulations and the Convention.

(2) The Coordination Committee shall be chaired by the head of the Management Authority or representative.

(3) The Management Authority, Scientific Authority and Enforcement agencies shall be permanent members of the Coordination Committee and other agencies, such as Ministry of Finance, Ministry of Fisheries and Marine Resources, Ministry of Health, Ministry of Local and Community Affairs, Ministry of Trade and Industry, Ministry of Tourism and Culture, Environment Protection Agency, National Protected Area Authority, Veterinary Services, and Phytosanitary Unit may be included as members or invited to meetings on an ad hoc basis.

(4) The Committee shall meet 4 times per year or as needed and shall determine its work plan and rules of procedure.

PART III - CONDITIONS FOR INTERNATIONAL TRADE

Export
permit for
trade in
specimen of
species in
Appendix I.

7. (1) The export of a specimen of species included in Appendix I of CITES shall require the prior grant and presentation of an export permit.

(2) An export permit shall only be granted when the following conditions have been met -

- (a) the Scientific Authority has advised that such export will not be detrimental to the survival of that species through a Non-Detriment Finding;

- (b) the Management Authority is satisfied that -
 - (i) the specimen was not obtained in contravention of these Regulations for the protection of fauna and flora through a legal acquisition finding;
 - (ii) living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (iii) an import permit has been granted for the specimen by the Management Authority of the country of import.

8. The import of a specimen of species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate and an import permit shall not be granted unless the following conditions have been met -

Import permit for trade in specimen of species in Appendix I.

- (a) the Scientific Authority has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
- (b) the Scientific or Management Authority is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (c) the Management Authority is satisfied that the specimen is not to be used for primarily commercial purposes.

Re-export
certificate for
trade in
specimen of
species in
Appendix I.

9. (1) The re-export of a specimen of species included in Appendix I shall require the prior grant and presentation of a re-export certificate.

(2) A re-export certificate shall only be granted when the Management Authority is satisfied that the following conditions are met -

- (a) the specimen was imported in accordance with these Regulations and the Convention;
- (b) living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- (c) an import permit has been granted for living specimen.

Introduction
from the sea
of any
specimen of a
species in
Appendix I.

10. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

- (a) the Scientific Authority has advised that the introduction will not be detrimental to the survival of the species involved through a Non-Detriment Finding;
- (b) the Management Authority is satisfied that -
 - (i) the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (ii) the specimen was legally acquired and is not to be used for primarily commercial purposes.

11. (1) The export of a specimen of species included in Appendix II of CITES shall require the prior grant and presentation of an export permit.

Export permit for trade in specimen of species in Appendix II.

(2) An export permit shall only be granted when the following conditions have been met -

- (a) the Scientific Authority has advised that such export will not be detrimental to the survival of that species through a Non-Detriment Finding;
- (b) the Management Authority is satisfied that -
 - (i) the specimen was not obtained in contravention of these Regulations for the protection of fauna and flora through a legal acquisition finding;
 - (ii) living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

(3) The Scientific Authority shall monitor both the export permits granted for specimens of species in Appendix II and the actual exports of such specimens.

(4) Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures, including export quotas, to be taken to limit the grant of export permits for specimens of that species.

Import
permit for
trade in
specimen of
species in
Appendix II.

12. The import of a specimen of species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

Re-export
certificate
for trade in
specimen of
species in
Appendix II.

13. (1) The re-export of a specimen of species included in Appendix II shall require the prior grant and presentation of a re-export certificate.

(2) A re-export certificate shall only be granted when the Management Authority is satisfied that the following conditions are met -

- (a) the specimen was imported in accordance with these Regulations and the Convention;
- (b) living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

Introduction
from the sea
of any
specimen of
a species in
Appendix II.

14. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

- (a) the Scientific Authority advises that the introduction will not be detrimental to the survival of the species involved through a Non-Detriment Finding; and
- (b) the Management Authority is satisfied that the specimen was legally acquired and living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

15. (1) The export of a specimen of species included in Appendix III of CITES by another country shall require a certificate of origin. If the species is included in Appendix III of Sierra Leone, the export shall require the prior grant and presentation of an export permit.

Export permit for trade in specimen of species in Appendix III.

(2) An export permit shall only be granted if the Management Authority is satisfied that: -

- (a) the specimen was not obtained in contravention of these Regulations for the protection of fauna and flora; and
- (b) living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

16. The import of a specimen of species included in Appendix III shall require the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

Import permit for trade in specimen of species in Appendix III.

17. (1) Permits and certificates shall be in the form prescribed by the Management Authority and shall be in conformity with the provisions of the Convention and Resolutions of the Conference of the Parties.

Validity of permits and certificates.

(2) A permits or certificate shall comply with the following for it to be valid -

- (a) export permits and re-export certificates shall be valid for a period of maximum 6 months from the date of issue;
- (b) import permits for specimens of species in Appendix I shall be valid for a period of maximum 12 months from their date of issue;

- (c) a separate permit or certificate is required for each consignment of specimens;
- (d) a permit or certificate shall not be transferred to a person other than the one named on the permit or certificate.

(3) Where a condition that is attached to a permit or certificate has not been complied with, it shall be considered invalid.

(4) A permit or a certificate issued in violation of the law of a foreign country or in violation of the Convention or contrary to the Resolutions of the Conference of the Parties shall be invalid.

(5) Valid export permits or certificates from exporting countries shall be accepted to authorise the import of specimens of species in Appendix I, II or III.

Powers of
Management
Authority.

18. The Management Authority -

- (a) shall cancel and retain used export permits and re-export certificates issued by authorities of other countries and any corresponding import permits;
- (b) may require applicants for permits or certificates to provide any additional information that it may need to decide whether to issue a permit or certificate;
- (c) may, at its discretion, grant or refuse to grant a permit or certificate, or grant a permit or certificate subject to certain conditions;
- (d) may at any time revoke or modify any permit or certificate it has issued if it deems it

necessary to do so and shall do so when the permit or certificate has been issued as the result of false or misleading statements by the applicant.

PART IV - REGISTRATION AND MARKING

19. (1) A person wishing to trade in specimens of a species in Appendix I shall register with the Management Authority. Registration with Management Authority.

(2) A person wishing to produce captive-bred animals and artificially propagated plants for commercial purposes of any species listed in Appendix I shall register with the Management Authority.

(3) A person registered with the Management Authority for captive breeding of animals or artificial propagation of plants shall keep records of the stocks and transactions.

(4) The Management Authority may inspect the premises and records of persons registered with the Management Authority at any time.

(5) The Minister shall by order, determine -

- (a) species that are subject to special registration;
- (b) format of the application for registration;
- (c) conditions that shall be met in order to be registered;
- (d) format and contents of the registers that contain the records.

(6) Where the conditions for registration are not complied with, the registration shall be withdrawn.

Specimens of animal species bred in captivity.

20. (1) Specimens of animal species in Appendix I that have been bred in captivity may not be traded unless they originate from a breeding operation registered by the Management Authority, and have been individually and permanently marked in a manner so as to render alteration or modification by unauthorised persons as difficult as possible.

(2) The conditions for registration and marking shall be determined by the Management Authority.

PART V - EXEMPTIONS AND SPECIAL PROCEDURES

Transit and transshipment.

21. (1) Where a specimen is in transit or transshipment through Sierra Leone, no additional CITES permits and certificates shall be required if the specimen remains in the control of the Custom Departments.

(2) The transit or transshipment shall be in accordance with the conditions of transport established in these Regulations and the laws relating to customs

(3) An enforcement authority shall have the power to inspect a specimen in transit or transshipment to ensure that it is accompanied by the appropriate CITES documents and to seize such a specimen if that is not the case.

Pre-convention specimens.

22. Where the Management Authority is satisfied that a specimen of a listed species was acquired before the provisions of the Convention applied to that species, it may issue a pre-convention certificate upon request.

Personal and household effects.

23. (1) These Regulations shall not apply to dead specimens parts and derivatives of species listed in Appendix I II or III which are personal or household effects being introduced into the country, or exported or re-exported therefrom, in compliance with rules specified by the Management Authority in accordance with the text of the Convention and the Resolutions of the Conference of the Parties.

(2) The exemption shall not apply to specimens of species in Appendix I that were acquired by the owner abroad and brought back to Sierra Leone where this is his usual country of residence.

24. (1) Specimens of species listed in Appendix I that have been bred in captivity or artificially propagated for commercial purposes shall be treated in accordance with the provisions applicable to specimens of species in Appendix II if they are derived from a facility that has been registered with the CITES Secretariat. Specimens bred in captivity or artificially propagated.

(2) Where the Management Authority is satisfied that a specimen of species, has been bred in captivity or artificially propagated not for commercial purposes included in Appendix I and for any trade included in Appendix II or III, the Management Authority may issue a certificate to that effect. Part 4 of these regulations does not apply for trade in specimens for which such a certificate has been lawfully issued.

25. The documents referred to in Part IV of these Regulations, shall not be required in the case of non-commercial loans, donations and exchanges between scientific institutions, registered by the Management Authority in the hosting State, of herbarium specimens, other preserved or dried or embedded museum specimens, and live plant material which carry a label issued or approved by the Management Authority. Scientific exchange.

26. The Management Authority may waive the requirement of an import or export permit or re-export certificate and allow the movement of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other traveling exhibition, provided that the - Travelling exhibitions.

- (a) exporter or importer registers full details of such specimens with the Management Authority;

- (b) specimens are covered by a pre-Convention certificate or a certificate showing that they were bred in captivity or artificially propagated; and
- (c) Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

PART VI - OFFENCES AND PENALTIES

Offences.

27. (1) A person shall not -

- (a) import, export, re-export, or introduce from the sea, or attempt to import, export, re-export or introduce from the sea, any specimen of a species in Appendix I without a valid permit or certificate as required under these regulations or in contravention of the conditions set out in the permit or certificate;
- (b) fail to take reasonable steps to prevent a service, platform, or social media to be used directly or indirectly for electronic or distance trafficking in wildlife, knowing that the service is being used in such a manner;
- (c) have in his possession or under his control, receive, transport, produce, offer, expose for sale, or display to the public, purchase, buy or use a specimen of any CITES-listed species which has not been lawfully acquired;
- (d) submit a fraudulent document or make or attempt to make either oral or written false or misleading statements in, or in connection with, an application for a permit or certificate or registration;

- (e) obstruct or otherwise hinder an enforcement officer in the performance of his duties;
- (f) use false labelling and marking of specimens, or alter, deface, or erase a mark used by the Management Authority to identify specimens individually and permanently;
- (g) accept an unauthorised personal payment or other form of personal compensation in order to see to the furtherance of a provision under these Regulations,

(2) A person who contravenes sub-regulation (1), commits an offence and shall be liable on conviction to a fine not less than 100, 000 Leones or to term of imprisonment not exceeding 4 years or both such fine and imprisonment.

28. (1) A person shall not intentionally take an active part in criminal activities of an organised criminal group or who aid, abet, facilitate, or counsel the commission, knowing either the aim and general activity of the organised criminal group, or its intention to commit one or more offences against these Regulations

Offences by organised criminal group.

(2) A person who contravenes sub-regulation (1), commits an offence and shall be liable on conviction to a fine not less than 100, 000 Leones or to term of imprisonment not exceeding 4 years or both such fine and imprisonment.

29. (1) Where an enforcement officer is satisfied that there is reasonable evidence of an offence, he may detain the person suspected and seize any items related to the suspected offence.

Enforcement powers.

(2) An enforcement officer may -

- (a) stop, search and arrest a person without warrant, if they have reasonable grounds to suspect that a person committed an offence under these Regulations;

- (b) enter upon search, open any premises, container, baggage, parcel, package, vehicles, or vessels if they reasonably suspect that a person detains a specimen in violation of these Regulations;
- (c) seize and retain any specimens that are not accompanied by the permit or certificate required by these Regulations;
- (d) seize an item used for, or in relation to, the commission of an offence under these Regulations including vehicle, container, cage, equipment, book, record, document, or other article which they reasonably suspect are the object of or evidence of an offence under these Regulations;
- (e) question witnesses, suspected offenders, and other persons of interest;
- (f) examine what they reasonably suspect to be a specimen transported, acquired or traded in violation of these Regulations;
- (g) examine any book, records, document, or computer system held apparently relating to specimens referred to in paragraphs (b) or (c);
- (h) access bank, financial and telecommunication records;
- (i) instruct any person to afford such assistance as is reasonably required to interpret or extract relevant information from such book, record, document or computer system; and

- (j) manage crime scenes, including taking photographs, samples or making audio-visual recordings of a thing or place suspected of being involved in the commission of an offence.

(3) Where the enforcement agency is investigating an offence under these Regulations, he shall have additional powers to -

- (a) access telecommunications records;
- (b) use special investigative techniques, such as wiretapping, controlled delivery and under-cover investigations;
- (c) coordinate joint investigations and exchange information with foreign law enforcement agencies.

PART VII - CONFISCATION AND DISPOSAL OF CONFISCATED SPECIMENS

30. (1) Where a matter is prosecuted, the specimen that is the subject of an offence shall be confiscated.

Confiscation, forfeiture and disposal of property.

(2) Where a person is convicted of an offence against these Regulations, any specimen, cage, container, boat, aeroplane, vehicle, or other article and equipment in respect of or by means of which the offence was committed shall be seized and forfeited to the State and such forfeiture may be in addition to any other penalty to which such contravention applies.

(3) Where a specimen is seized without identification of its owner, that specimen and any equipment in respect of or by means of which the offence was committed shall be seized and forfeited to the State.

(4) The Management Authority shall be notified immediately of the seized or confiscated specimens and communicates all relevant information, documents, and data on the case.

(5) The Management Authority shall notify the State of the offence committed and the enforcement actions taken concerning the specimens in question.

(6) All expenses incurred for the seizure, including custody costs, the costs of transporting and disposing of specimens or of maintaining live animals and plants during the time of seizure shall be recoverable from the offender.

(7) A specimen confiscated under these regulations, shall be disposed of in accordance with the following provisions -

- (a) If the Court ordering the confiscation has not decided on the disposal of the specimen, the Management Authority shall, in consultation with the Scientific Authority, decide upon the final disposal, taking into account relevant action plans developed by the Minister;
- (b) where a living specimen is confiscated the specimen shall be entrusted to the Management Authority, the Management Authority shall, after consultation with the State of export and the Scientific Authority, taking into account relevant action plans developed by the Minister;

- (i) return the specimen to that State, if possible, for release into the wild;
 - (ii) place the specimen in a rescue centre, sanctuary or such other place as the Management Authority deems appropriate; or
 - (iii) dispose of the animal in another appropriate way;
- (c) where a dead specimen is confiscated, the specimen shall be entrusted to a Management Authority and the Management Authority shall take all appropriate measures to dispose of confiscated and accumulated dead specimens of species in Appendix I, including parts and derivatives, only for scientific, educational, enforcement or identification purposes, and save in storage or destroy specimens whose disposal for these purposes is not practicable.
- (d) confiscated dead specimens, including parts and derivatives, of species other than Schedule 1 may be destroyed, sold at public auction, or disposed of in another manner that achieves the purposes of these regulations. Steps must be taken to ensure that the offender does not receive any gain from the disposal.

(8) The Management Authority must maintain records on the seizure and confiscation of specimens including the decision on their final disposal and include this information in the annual illegal trade reports to be prepared and submitted to the Secretariat.

PART VIII - FINANCIAL PROVISIONS

Fees.

31. The Management Authority may charge a fee, at a rate as specified in the Finance Act every year for the processing of applications and issuance of permits and certificates.

Wildlife
Conservation
Fund.

32. The Minister shall establish a special fund to be known as the Wildlife Conservation Fund, for the conservation of Sierra Leone's wildlife and the implementation and enforcement of the Convention and of these Regulations, including the establishment and management of rescue centres. Any fee charged under Part 3 and 6, as well as any voluntary contribution by individuals or organizations, shall be paid to the fund.

SCHEDULE I - APPENDICES I, II AND III

This schedule includes all animal and plant species listed in Appendix I, II and III of CITES

SCHEDULE II - PERMIT OR CERTIFICATE

An export permit shall contain the information specified in the model set forth in Appendix IV of the Convention and may only be used for export within a period of six months from the date on which it was granted.

A permit or certificate shall contain the -

- (a) title of the present Convention;
- (b) name and any identifying stamp of the Management Authority granting it; and
- (c) a control number assigned by the Management Authority.

Copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.

A separate permit or certificate shall be required for each consignment of specimens.

A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.

Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

MADE this 12th day of December, 2023.

JIWOH EMMANUEL ABDULAI
*Minister of the Environment and Climate
Change*

FREETOWN,
SIERRA LEONE