

ACTS

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SIGNED this 28th day of December, 1979.

SIAKA STEVENS,
President.

LS

No. 7



1979

Sierra Leone

The Torma Bum Rice Development Authority Act, 1979 Short title.

Being an Act to provide for the establishment of an Authority for the Development and management of Torma Bum Area; to provide and implement schemes for the production and processing of rice; to regulate the powers and functions of the Torma Bum Development Authority; and for connected matters

[

, 1979] Date of commencement.

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

PART I—PRELIMINARY

1. This Act shall come into force on such date as the Minister shall fix by notice published in the *Gazette*, Commencement.

Interpretation.

2. In this Act, unless the context otherwise requires—
- “Authority” means the Torma Bum Rice Development Authority established by section 2;
- “Foreign Agencies” means “the African Development Bank” and “the Government of Netherlands respectively”;
- “immovable property” means land and includes any leasehold or other interest held by any person in such land and also things attached to the earth or permanently fastened to anything attached to the earth;
- “Minister” means the Minister for the time being charged with responsibility for matters relating to agriculture;
- “Project” means the Torma Bum Rice processing and production scheme.

**PART II—ESTABLISHMENT AND CONSTITUTION OF
THE AUTHORITY**

Establishment and incorporation of the Authority.

3. (1) There is hereby established a body to be called the Torma Bum Rice Development Authority (hereinafter referred to as “the 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.

Common Seal and Authorisation 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 other instrument issued by the Authority and to be sealed with the seal of the Authority authenticated in the manner 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) In appropriate cases the seal may be affixed 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 respects in the same manner as a private individual.

5. (1) The Authority shall consist of—
- (a) a Chairman to be appointed by the Minister on such terms and conditions as he may determine; Constitution of the Authority, Chairman, etc.
- (b) one Member of Parliament from the Project area;
- (c) one Paramount Chief from the Project area;
- (d) the Financial Secretary, Ministry of Finance or his representative;
- (e) the Permanent Secretary, Ministry of Agriculture or his representative;
- (f) the Development Secretary, Ministry of Development and Economic Planning or his representative.
- (g) the Chief Agriculturist or his representative;
- (h) the Governor of the Bank of Sierra Leone or his representative;
- (i) the Solicitor-General or his representative;
- (j) a representative of the Farmers participating in the Project.
- (k) the General Manager of the Project—*ex-officio*;
- (l) two members who shall be citizens of Sierra Leone to be appointed by the Minister.

(2) The Chairman and members shall hold office for a term of three years and shall be eligible for re-appointment.

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

(4) Every appointment, or termination thereof, under this section and every cessation of membership or removal from office under section 6, shall be effected in writing under the hand of the Minister and notice thereof shall be published in the *Gazette*.

6. (1) If the Chairman or any appointed member at any time after his appointment— Cessation of membership of, and removal from Authority.
- (a) accepts or continues to hold an office or employment with the Authority; or
- (b) is made bankrupt; or
- (c) becomes of unsound mind or otherwise incompetent to act as a member; or

(d) fails to attend three consecutive meetings of the Authority (unless such failure be occasioned by any reasonable cause allowed by the Authority); or

(e) resigns his office by written notice to the Minister, he shall forthwith cease to be a member of the Authority and the Authority shall report the fact and the date of such cessation to the Minister and in the case mentioned in paragraph (e) the Minister may accept or reject the resignation at his discretion.

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

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

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

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

(b) the proceedings thereat;

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

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

(3) In the absence of the Chairman, a temporary Chairman shall be chosen for that meeting by the members present.

(4) 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.

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

(6) No act or proceeding of the Authority shall be invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of a member.

9. Any member having a personal interest, whether pecuniary or otherwise, direct or indirect, in any company or concern with which the Authority proposes to make any contract, or any interest in such contract, shall disclose to the Authority the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Authority, and such member shall take no part in any deliberation or decision of the Authority relating to such contract. ^{Disclosure of interest.}

10. The Authority shall pay to the members thereof such remuneration, fees and allowances for expenses as may be determined by the Minister after consultation with, and the prior approval of the Minister in charge of Finance. ^{Remuneration of members.}

PART III—POWERS AND FUNCTIONS

11. (1) The powers and functions of the Authority shall be— ^{Powers and functions of the Authority.}
- (a) to promote and implement schemes for production and processing of rice;
 - (b) to provide credit facilities to farmers;
 - (c) to buy and sell paddy and by-products of rice processing;
 - (d) to construct and maintain roads, buildings, warehouses and other public utilities conducive to the development and management of the project;
 - (e) to conduct, assist and encourage scientific and technological research into, and investigation of all problems and matters affecting paddy cultivation, the control of diseases and all aspects of paddy processing, and to publish and disseminate information relating to the results of such research;
 - (f) to promote and participate in schemes for the development of the infrastructure of the areas surrounding the project;
 - (g) to import plant, machinery, or any other equipment and materials required for paddy processing and production;
 - (h) to acquire and hold, take or give, lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property;
 - (i) to do all such acts or things necessary for, or conducive or incidental to the aforesaid powers and functions.

(2) The provisions of this section shall not be construed as limiting any power of the Authority conferred by or under any of the provisions of this Act.

Direction of
the Minister.

12. (1) The Minister may, after consultation with the Authority, give the Authority directions of a general character as to the discharge by it of its powers and functions in relation to matters appearing to affect the public interest, and the Authority shall give effect to any such directions.

(2) The Minister may, after consultation with the Authority, give the Authority specific directions for the purpose of remedying any defect which may be disclosed in the general arrangements of the Authority for the discharge of its functions under this Act, and the Authority shall give effect to such directions.

(3) The Authority shall afford the Minister facilities for obtaining information with respect to the property and functions of the Authority, and shall furnish him with returns accounts and other information furnished, in such manner and at such times as he may require.

PART IV

OFFICERS AND SERVANTS OF THE AUTHORITY

The General
Manager of
the Authority.

13. (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 the transaction of its day to day business.

(2) The General Manager shall be appointed by the Minister.

(3) The Authority may delegate to the General Manager the power to exercise supervision and control over the acts and proceedings of all servants 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 matters 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.

Appoint-
ment of
Secretary.

14. There shall be a Secretary of the Authority who shall be appointed by the Minister.

15. The Authority may appoint such officers, servants and agents as it considers necessary for the efficient exercise, discharge and performance of its powers, functions and duties.

Appointment of Officers, servants and agents.

PART V

EMPLOYMENT SECONDMENT AND TRANSFER OF PERSONS FROM THE PUBLIC SERVICE

16. (1) The provisions of this section shall apply to public officers who have either accepted employment with the Authority or have been selected by the Authority with the agreement of Government for secondment to the services of the Authority:

Appointment of State Officers to the staff of the Authority.

Provided that nothing in this section shall be construed so as to preclude an officer to whom the section applies from applying at any time within any period of secondment to be posted to a Government department in accordance with the terms and conditions of service attaching to the appointment held by such officer previous to secondment, and upon any such application being made, the same consideration shall be given thereto as though the applicant had not been seconded.

(2) Within the period of one year from the commencement of his secondment the Authority shall offer to each officer seconded to the service of the Authority permanent employment with the Authority, as nearly as may be, upon the same terms and conditions as those attaching to the appointment under the Government held by such officer previous to his secondment.

(3) Every officer to whom the provisions of this section apply who has accepted or who accepts permanent employment with the Authority shall, for all purposes other than contribution under any widows' and orphans' pension scheme as hereinafter mentioned, be deemed to have ceased to be in the service of the Government from the date of his secondment:

Provided that such officer shall not become entitled to receive any pension or gratuity under the Pensions Act merely because he is deemed to have ceased to be in the service of the Government under this section, but service with the Authority may be deemed to be public service with a Scheduled Government within the meaning of Part III of the Pensions Rules.

Cap. 173.

Vol. VII
Page 1295.

(4) Upon the expiration of the period of one year specified in sub-section (2) any seconded officer who has not accepted permanent employment with the Authority under the provisions of this section, and who cannot continue to be employed by the Government in any suitable capacity, shall be deemed to have retired from the service of Government in consequence of the abolition of his office, or if such officer is, at that date, entitled to any period of leave, on such later date as will enable him to

take such leave, and the provisions of any Act relating to pensions or of any Government General Order relating to retiring allowances or gratuities shall apply accordingly:

Provided that the Authority may, with the consent of the officer, at any time before that expiration of such period of one year, terminate the secondment of any officer, who does not desire to accept permanent employment with the Authority and, in such case, the provisions of this sub-section shall apply as if the said period of one year had expired on the date of such termination.

(5) The Authority shall pay, in respect of any period of secondment of any officer to whom the provisions of this section apply who does not accept permanent employment with the Authority under the provisions of this section, such contributions to the cost of the pension, retiring allowance or gratuity of such officer as shall be agreed between the Government and the Authority.

Public Officers Protection Act to apply to Officers etc. of Authority Cap. 172.

17. Where any action, prosecution or other proceeding is commenced in respect of any act, neglect or default done or committed by any officer, servant or agent of the Authority in his capacity as its servant or agent, the provisions of the Public Officers Protection Act shall apply as though such officer, servant or agent were a public officer.

PART VI

FINANCE AND ACCOUNTS

Initial Capital of the Authority.

18. The capital of the Authority shall include—

- (a) such sums as provided by the Government of Sierra Leone and other funding Agencies;
- (b) loans or funds granted to the Authority by the Government of Sierra Leone;
- (c) the properties, movable and immovable, as may be granted to the Authority by the Government of Sierra Leone and other funding Agencies.

Borrowing powers of the Authority.

19. The Authority may, with the consent of the Minister, given with the concurrence of the Minister in charge of Finance, borrow money, for the provisions of the working capital or for meeting the current obligations of the Authority or for discharging its powers and functions under this Act.

Accounts and Audits.

20. (1) The Authority shall keep proper accounts and other records in relation to the business of the Authority and shall prepare in respect of each financial year of the Authority a statement of accounts in a form which shall conform to the best commercial standards.

(2) The form of the statement shall be such as to secure the provision of separate information concerning schemes for production and processing of rice and such of the other principal activities of the Authority and to show as far as may be the financial and operating results of such activities.

(3) The accounts of the Authority shall be audited by the Auditor-General or such independent auditors who shall be appointed by or on his behalf.

(4) As soon as the accounts of the Authority have been audited, which shall be not more than six months after the end of each financial year, it shall send copies of the statement of accounts referred to in subsection (1) to the Minister and the Minister in charge of Finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(5) The Minister shall cause a copy of every such statement and report to be laid before Parliament.

21. (1) The Authority shall, as soon as possible after the end of each financial year of the Authority, make to the Minister a report on the exercise and performance by it of its functions during that year and on its policy and programme.

Annual Report.

(2) The report of the Authority for any year shall set out any direction given by the Minister to the Authority during that year unless the Minister has certified in writing to the Authority his opinion that it is against the interest of Sierra Leone to do so.

(3) The Minister may give directions as to the form of the reports to be made under this section and the Authority shall comply with any such directions.

(4) The Minister shall cause a copy of the Annual Report to be laid before Parliament.

22. The provisions of the Government Corporations (Financial Control) (No. 2) Act, 1966 shall apply *mutatis mutandis* to the financial control of the Authority.

Application of the provisions of Act. No. 27 of 1966.

PART VII—GENERAL

23. Any proceeding or cause of action pending or existing immediately before the date on which this Act comes into force by or against the Government in respect of the movable or immovable property transferred under the provisions of this Act may be continued or enforced by or against the Government as if this Act had not been enacted.

Pending proceedings and causes of action.

- Acquisition of land.** **24.** (1) When the Authority is unable to acquire by private treaty or agreement the leasehold of any land in the Provinces required for the purpose of this Act, the Minister of the Interior may authorise any person to execute in the name and on behalf of the Chiefdom Council in whose chiefdom such land lies, a lease of such land to the Authority on such terms and conditions as shall appear to him to be fair and reasonable, and any such lease shall, notwithstanding that any consent or approval required by section 3 of the Provinces Land Act has not been obtained, be as effective for all purposes as if the said lease had been duly granted by the Chiefdom Council.
- Cap. 122.** (2) All expenses and compensation payable in respect of the taking possession or acquisition of land acquired by the Authority under this section shall be paid by the Authority.
- Restriction on alienation of land.** **25.** The Authority shall not, without the approval in writing of the Minister of Finance, alienate or demise any immovable property which has been vested in the Authority under any of the provisions of this Act or in respect of which a right of occupancy has been granted by the Authority.
- Service of documents.** **26.** Any summons, notice or other document required or authorised to be served on the Authority shall be served by delivering the same, or sending it by post, addressed to the Chairman or Secretary.
- Restriction on execution against the property of the Authority.** **27.** In any action against the Authority no execution attachment or process in the nature thereof shall be issued against the Authority until after three months from the date of the judgment relating thereto.
- Representation of Authority at hearing of suit.** **28.** (1) In any suit before a magistrate's court the Authority may be represented at any stage of the proceedings by any servant of the Authority who shall satisfy the Court that he is duly authorised in writing by the Authority in that behalf.
- (2) For the purposes of this Part "suit" includes action and means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court but does not include a criminal proceeding.
- Regulations.** **29.** (1) The Authority may make Regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.
- (2) In particular, but without prejudice to the generality of the powers conferred by subsection (1) the Authority may make Regulations in respect of all or any of the following matters—

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- (a) the establishment and regulation of provident funds, gratuity or pension schemes, medical aid schemes for all or any of the officers and servants employed for the purposes of this Act and their dependants;
 - (b) relating to the appointment, promotion, remuneration, disciplinary control, conduct and leave of its Officers and Servants;
 - (c) for the purpose of advancing the skills of persons employed by the Authority and for training facilities of Sierra Leoneans required to carry out the development work in the Torma Bum area; and
 - (d) for any matter which is required by this Act to be prescribed or in respect of which Regulations are required to be made.

Passed in Parliament this 21st day of *September*, in the year of our Lord one thousand nine hundred and seventy-nine.

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.