

ACT

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THE NATIONAL MINERALS AGENCY ACT, 2012

ARRANGMENT OF SECTIONS

Section.

PART I – PRELIMINARY

1. Interpretation

PART II – ESTABLISHMENT OF NATIONAL MINERALS AGENCY

2. Establishment of National Minerals Agency.
3. Establishment of Mineral Agency Board.
4. Composition of Board.
5. Tenure of Board.
6. Remuneration of members .
7. Meetings of Board.
8. Disclosure of interest.
9. Committees of Board.
10. Independence of Board.

PART III – FUNCTIONS OF THE AGENCY

11. Functions of Agency.
12. Departments of Agency

PART IV – STAFF OF AGENCY

13. Director- General.
14. Directors of Agency.
15. Other staff of Agency.

PART V – FINANCIAL PROVISIONS

16. Funds of Agency.
17. Financial year of Agency.
18. Revenues due to the Consolidated Fund
19. Accounts and audit.
20. Annual report of Agency

PART VI – MISCELLANEOUS

21. Regulations.
22. Savings and transitional provisions.

SIGNED this 26th day of April, 2012.

DR. ERNEST BAI KOROMA,
President.

LS

No. 3



2012

Sierra Leone

The National Minerals Agency Act, 2012.

Short title.

Being an Act to establish the National Minerals Agency to promote the development of the minerals sector by effectively and efficiently managing the administration and regulation of mineral rights and minerals trading in Sierra Leone, including geological survey and data collection activities; to establish a National Minerals Agency Board to provide technical and other support to the agency and to provide for other related matters.

[] Date of commencement.

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

PART I—PRELIMINARY

Interpretation. 1. In this Act unless the context otherwise requires—

“Agency” means the National Minerals Agency established under section 2;

“Board” means the Minerals Agency Board established under section 3;

“Director-General” means the “Director-General” appointed under section 13;

“Director of Geological Survey” means the Director of Geological Survey referred to in the Mines and Minerals Act 2009 (Act No.12 of 2009);

“Director of Mines” means the Director of Mines referred to in the Mines and Minerals Act 2009 (Act No. 12 of 2009);

“GGDO” means the Government Gold and Diamond Office established in 1985 by the Government of Sierra Leone under the supervision of the Ministry of Mines and Mineral Resources;

“Minister” means the Minister responsible for mineral resources.

PART II—ESTABLISHMENT OF NATIONAL MINERALS AGENCY

Establishment of National Minerals Agency.

2. (1) There is hereby established a body to be known as the National Minerals Agency.

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

(3) The Agency shall have a common seal the use of which shall be authenticated by the signatures of –

(a) the Chairman or other member of the Board generally or specifically authorized by the Board for that purpose; and

(b) the Director-General or other officer of the Agency authorized by the Board for that purpose.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Agency and to be sealed with the common seal authenticated in the manner stated in subsection (3), shall be deemed to be so executed or issued without other proof unless the contrary is proved.

(5) In appropriate cases the common seal may be affixed to documents outside Sierra Leone

3. (1) There is hereby established a body to be known as the National Minerals Agency Board which shall be the governing body of the Agency. Establishment of Mineral Agency Board.

(2) The object for which the Board is established is to oversee the efficient operation of the Agency and in particular, the Board shall be responsible to—

(a) approve the operational budget of the Agency;

(b) establish strategic direction and setting performance targets;

(c) assess organizational performance both technical and financial;

(d) effectively enforce this Act and ensure its compliance;

- (e) ensure that the relevant operational policies in procurement and administrative procedures are adhered to;
- (f) determine the grading, remuneration, recruitment, promotion and training of staff;
- (g) approve the hiring and firing of the Director General and Directors of the Agency; and
- (h) do all the other things as will contribute to the attainment of the object of the Agency.

Composition of Board.

4. (1) The Board shall consist of a Chairman, who shall be appointed from among persons of the highest calibre of personal integrity and demonstrated professional knowledge and experience in mining matters related to the functions of the Agency and the following other Members-

- (a) Permanent Secretary, Ministry of Mineral Resources;
- (b) Financial Secretary, Ministry of Finance;
- (c) four other persons with professional knowledge and experience in law, accounting and finance, mining or geology, and human resource management, nominated by the Minister; and
- (d) the Director-General who shall be the Secretary and is a non-voting member.

(2) The Chairman and the four persons referred to in paragraph (c) of subsection (1), shall be appointed by the President and subject to the approval of Parliament.

5. (1) The Chairman and other members of the Board, appointed under paragraph (c) of sub-section (1) of section 4 shall hold office for a term of three years and shall be eligible for re-appointment for a further term of three years only. ^{Tenure of Board.}

(2) The Chairman may resign from office by written notice addressed to the President.

(3) The President may by letter addressed to a member revoke the appointment of that member.

(4) On the death or vacation of office of the Chairman or any other member of the Board referred to in paragraph (c) of subsection (1) of section 4, before the expiry of their respective term of office, the President may appoint a Chairman or a member for the remainder of the term of that member. ^{ActNo...of 2008.}

(5) A person shall cease to be a member of the Board on any of the following grounds-

- (a) absence from three consecutive meetings of the Board without reasonable excuse;
- (b) bankruptcy or insolvency;
- (c) conviction of an offence involving fraud or dishonesty;
- (d) proven misconduct; or
- (e) inability to perform the functions of his office as a result of infirmity of mind or body.

6. The Chairman and other members of the Board shall be paid fees or allowances as may be fixed by the Board with the approval of the Minister. ^{Remuneration of members.}

Meetings of Board.

7. (1) The Board shall hold its first meeting on a date and at a time to be determined by the Minister, after consultation with the Board; and after that, the Board shall meet for the dispatch of business at least once every three months.

(2) The Chairman shall preside at meetings of the Board and in his absence the members present shall elect one of their number to preside.

(3) The quorum for a meeting of the Board shall be five.

(4) The Chairman shall, at the request of a minimum of four other members of the Board convene an extraordinary meeting of the Board at the place and time determined by the Chairman.

(5) Decisions of the Board shall be made by a majority of the votes of the members present and where the votes are equal, the Chairman or other member presiding shall have a casting vote.

(6) Any proposal circulated among all members of the Board and agreed to, in writing, by five members shall be of the same force and effect as a decision made at a duly constituted meeting of the Board and be incorporated in the minutes of the next meeting of the Board:

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

(7) The Board may co-opt any person to attend and participate in its deliberation on any matter but such person shall not vote on any matter for decision by the Board.

(8) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form as a public document.

(9) Subject to this Act, the Board shall regulate the procedure at its meetings.

8. (1) A member of the Board who has any interest whether direct or indirect, in any matter being considered by the Board shall disclose the nature of that interest to the Board and the disclosure shall be recorded in the minutes of the Board. Disclosure of interest.

(2) The member of the Board referred to in subsection (1) shall not take part in the deliberation or decision of the Board relating to the matter.

(3) Any member who fails to comply with subsection (1) or (2) shall be guilty of misconduct and shall be removed from the Board and liable for prosecution under the Section 45 of the Anti-Corruption Act of 2008. Act No. 12 of 2008.

9. (1) The Board may, for the discharge of its functions, appoint committees. Committees of Board.

(2) A committee shall consist of members of the Board or non-members or both.

(3) A committee shall submit a report of its proceedings at a time to be determined by the Board.

10. In the performance of its functions under this Act the Board shall not be subject to the control of any person or authority. Independence of Board.

PART III – FUNCTIONS OF THE AGENCY

11. (1) The object for which the Agency is established is to promote the development of the minerals sector by effectively and efficiently managing the administration and regulation of mineral rights and minerals trading in Sierra Leone, to provide technical and other support to the mineral sector including geological survey and data collection activities. Functions of Agency.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Agency to –