

## ACT

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### ENVIRONMENT PROTECTION AGENCY ACT, 2008

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SCHEDULES

SIGNED this *11th day of August, 2008*

DR. ERNEST BAI KOROMA,  
*President.*



No. 11



**Sierra Leone**

2008

**THE ENVIRONMENT PROTECTION AGENCY ACT, 2008.** Short title.

**Being an Act to establish the Sierra Leone Environment Protection Agency, to provide for the effective protection of the environment and for other related matters.**

[ ] Date of commencement.

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

## PART 1—PRELIMINARY

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

“Agency” means the Sierra Leone Environment Protection Agency established by section 2;

“air” includes air within a building, vehicle, any enclosure, structure or the air space of Sierra Leone;

“airspace” means the airspace within the territorial limits of Sierra Leone;

“authorised officer” means an employee of the Agency authorised for a specified purpose;

“Board” means the Board of Directors established by section 3;

“discharge” includes deposit, emission or leakage;

“disposal” includes both land-based disposal and dumping in waters and airspace of Sierra Leone;

“effluent limitation” means any restriction established by the Agency on quantities, rates and concentration of chemical, physical, biological or other constituents which are discharged from point sources or other sources into the waters of Sierra Leone or on, or into the land.

“environment” includes land, air, water and all plants, animals and human beings living therein and the inter-relationship which exists among these or any of them;

“Executive Director” means the Executive Director appointed under section 14;

“licence” means an environmental impact assessment licence issued under section 29;

“Minister” means the Minister charged with responsibility for the environment and Ministry shall be construed accordingly;

“monitoring” includes the inspection, measurement, sampling or analysis of the discharge of a pollutant or of any environmental medium in any locality, whether periodically or continuously;

“offshore facility” means any facility of any kind located over, in, on, or under any of the waters of Sierra Leone;

“onshore facility” means any facility of any kind (including motor vehicles and rolling stock) located over, in or under any land within Sierra Leone other than submerged land;

“owner” includes—

- (a) in the case of a vessel the owner, operator or charterer of the vessel;
- (b) in the case of an onshore facility or an offshore facility, the owner or operator of such facility;
- (c) in the case of any abandoned offshore facility, the owner or operator of such facility immediately before its abandonment; and
- (d) in the case of a project, a person managing or controlling such project;

“pollution” means any natural, man-made or man-aided alteration of the chemical, physical or biological quality of the environment to the extent that is detrimental to the environment or beyond acceptable limits and pollutants shall be construed accordingly;

“project” means any activity which requires a licence under this Act;

“removal” means removal of hazardous substances from the air, land or water, including shorelines or the taking of such other action as may be necessary to minimize damage to public health or welfare, ecology and natural resources of Sierra Leone;

“standards” includes criteria and specifications;

“waters of Sierra Leone” means all water resources in any form, including atmospheric, surface and subsurface and underground water resources whether the water resources are in territorial waters, exclusive economic zone or any area under the jurisdiction of the Republic of Sierra Leone

## **PART II—ESTABLISHMENT OF ENVIRONMENT PROTECTION AGENCY**

Establishment of Environment Protection Agency.

**2.** (1) There is hereby established a body to be known as the Environment Protection Agency.

(2) The Agency shall be a body corporate, having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, 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 Agency shall have a common seal the use of which shall be authenticated by the signatures of the Chairman of the Board and the Executive Director or any other member of the Board designated in that behalf by the Board.

Board of Agency.

**3.** (1) The governing body of the Agency shall be a Board of Directors consisting of—

(a) a chairman who shall be a person who has considerable knowledge and experience in environmental matters;

(b) a representative each from the following Ministries and Unit not below the rank of Director:—

(i) Ministry of the Environment;

(ii) Ministry of Local Government;

(iii) Ministry of Mineral Resources;

(iv) Ministry of Marine Resources;

(iv) Ministry of Agriculture and Forestry;

(vi) Ministry of Tourism;

(vii) Ministry of Trade and Industry;

(viii) Ministry of Transport;

(ix) Ministry of Health;

(x) Petroleum Unit;

(c) three persons, at least one of whom shall be a woman, knowledgeable in commerce, finance and law; and

(d) the Executive Director who shall also act as secretary.

(2) The Chairman and other members of the Board, except the Executive Director shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament.

Term of office of members of Board.

**4.** (1) The Chairman and other members of the Board except the Executive Director, shall hold office for three years and shall be eligible for re-appointment for not more than one term.

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

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
- (f) if he resigns by written notice to the Minister; or
- (g) if he dies.

Functions of Board.

**5.** (1) Subject to this Act, the Board shall have the control and supervision of the Agency.

(2) The Board shall also provide such policy guidance and advice as will ensure the efficient implementation of the functions of the Agency and enhance the overall performance of the Agency.

Remuneration of members of Board.

**6.** The Chairman and the other members of the Board and persons co-opted by the Board under subsection (5) of section 8 shall be paid such remuneration, fees and allowances and shall be reimbursed by the Agency for any expenses incurred in connection with the discharge of their functions as the Board may determine.

**7.** (1) Where a person ceases to be a member of the Board under the circumstances specified in subsection (2) of section 4- <sup>Filling of vacancies.</sup>

- (a) the members of the Board shall, where the person is the Chairman, elect one of their number to act as Chairman until such time as another Chairman is appointed in his stead;
- (b) in the case of any other member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is elected as Chairman or a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or other member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

**8.** (1) The Board shall hold its first meeting on such date and at such place as the Minister may, after consultation with the Board determine and thereafter, it shall meet for dispatch of business at such time and place as the Chairman may decide but shall meet at least once a month. <sup>Meetings of Board.</sup>

(2) At any meeting at which he is present, the Chairman shall preside and in his absence the members present shall elect one of their number to preside.

(3) The quorum at a meeting of the Board shall be seven including the Executive Director.

(4) Each member of the Board shall have one vote and in the case of equality of votes, the Chairman or other person presiding shall have a casting vote.

(5) The Board may co-opt any person to attend its meetings and provide technical or other advice to the Board or otherwise assist at its meeting but such person shall not vote on any matter for decision by the Board.