

ACTS

Supplement to the Sierra Leone Gazette Vol. CXXX, No. 34
dated 22nd July, 1999

SIGNED this 16th day of July, 1999.

ALHAJI AHMAD TEJAN KABBAH,
President.



No. 1

1999

Sierra Leone

The Mines and Minerals (Amendment) Act, 1999 Short title.

Being an Act to amend the Mines and Minerals Act, 1994.

[22nd July, 1999] Date of commencement.

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

Act
No. 5 of
1994.

1. The Mines and Minerals Act, 1994 is hereby amended by the insertion immediately after section 118 thereof of the following new sections—

Amendment
of Mines and
Minerals Act.

"Sale of
precious
minerals by
licence
holders.

118A (1) The holder of an artisanal mining licence or his duly authorised agent shall sell any precious minerals to a licensed dealer or licensed exporter of such minerals only.

(2) A licensed dealer in precious minerals or his duly authorised agent shall sell any precious minerals to another licensed dealer or to a licensed exporter only.

(3) A licensed exporter or his duly authorised agent shall either—

- (a) sell such minerals to another licensed exporter; or
- (b) export the minerals under such procedures, terms and conditions as the Minister may by order prescribe.

(4) Any person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding one million leones or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Unlawful
possession
of precious
minerals.

118B (1) Any person who is in possession of any precious mineral and who fails to prove that he is in lawful possession of such mineral commits an offence.

(2) For the purpose of subsection (1)—

- (a) a labourer or tributer employed by the holder of an artisanal mining licence shall not be deemed to be in lawful possession of a precious mineral unless such mineral is in his possession within the actual workings in the licensed area;
- (b) the holder of an artisanal mining licence or his duly authorised agent shall not be

deemed to be in lawful possession of the precious mineral unless such mineral is in his possession—

- (i) within the actual workings of his licensed area;
 - (ii) within his registered residence or place of abode; or
 - (iii) while he is travelling in order to exercise the rights vested in him in respect of such minerals by virtue of the licence;
 - (iv) within the jurisdiction of Sierra Leone and that he is in possession of his artisanal mining licence.
- (c) the holder of a dealer's licence or his duly authorised agent shall not be deemed to be in lawful possession of a precious mineral unless such mineral is in his possession—
- (i) within his registered place of business or abode; or
 - (ii) while he is travelling in order to exercise the rights vested in him in respect of such mineral by virtue of the licence;
 - (iii) within the jurisdiction of Sierra Leone and that he is in possession of his dealer's licence.
- (d) the holder of an exporter's licence or his duly authorised agent shall not be deemed to be in lawful possession of a precious mineral unless such mineral is in his possession—

- (i) within his registered place of business or abode; or
 - (ii) while he is travelling in order to exercise the rights vested in him in respect of such minerals by virtue of the licence.
 - (iii) within the jurisdiction of Sierra Leone and that he is in possession of his exporter's licence.
- (e) no other person shall be deemed to be in lawful possession of a precious mineral unless such mineral is in his possession under and in accordance with the terms of a valid mineral right or permit issued under this Act.

(3) Any person who commits an offence under this section is liable on conviction to a fine not exceeding five million leones or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(4) In addition to the penalty imposed in subsection (3) for an offence committed under this section, any precious minerals in connection with which the offence was committed shall be forfeited to the State.

Smuggling of precious minerals from Sierra Leone.

118C (1) No person shall smuggle any precious minerals outside Sierra Leone.

- (2) A person smuggles precious minerals if he—
- (a) exports any precious mineral the exportation of which is prohibited by any enactment;
 - (b) exports any precious mineral the exportation of which is subject to any licence, permit or condition, whether or not such condition is endorsed on any licence or permit or where such exportation is effected without or in

contravention of such licence or permit or contrary to or without fulfilling such condition.

(3) Any person who contravenes the provisions of subsection (1) commits an offence and is liable—

- (a) on conviction on indictment to a fine of not less than ten million leones but not exceeding fifty million leones or to imprisonment for a term not less than three years but not exceeding ten years or to both such fine and imprisonment; or
- (b) on summary conviction to a fine of not less than five hundred thousand leones but not exceeding one million leones or imprisonment for a term not less than one year but not exceeding five years or to both such fine and imprisonment.

(4) In addition to any other penalty imposed in subsection (3), where an offence is committed under this section—

- (a) any precious minerals in connection with which the offence was committed shall be forfeited to the State; and
- (b) any licence or permit held by the person convicted shall be revoked by the Court.

(5) For the avoidance of doubt, the provisions of this section shall not prevent the accused or any precious mineral or other article or thing involved in the commission of any act referred to in subsection (1) from being dealt with under any other enactment; and the provisions of this section

shall be deemed to be in addition to any other enactment relating to the matter.

(6) Nothing in subsection (5) shall be taken to permit the accused person being punished more than once in criminal proceedings in respect of the same act”.

PASSED IN Parliament this *18th* day of *May*, in the year of our Lord one thousand, nine hundred and ninety-nine.

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.