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SCHEDULE.

CHAPTER 229.

SIERRA LEONE PRODUCE MARKETING.

1 of 1949.
17 of 1949.
31 of 1954.
30 of 1957.

An Ordinance to establish a Produce Marketing Board for Sierra Leone and to provide for the regulation and control of the marketing and export of Sierra Leone produce and for matters connected therewith.

[7TH JULY, 1949.]

Short title,
application
and com-
mencement.
17 of 1949.

1. (1) This Ordinance may be cited as the Sierra Leone Produce Marketing Ordinance, and shall apply to the Colony and Protectorate.

(2) This Ordinance shall come into operation on the 7th day of July, 1949.

Interpreta-
tion.

2. In this Ordinance unless the context otherwise requires—

“the Board” means the Sierra Leone Produce Marketing Board established under section 3 of this Ordinance;

“export” with its grammatical variations and cognate expressions means to take or cause to be taken out of Sierra Leone;

“produce” means the produce mentioned in the Schedule to this Ordinance, as such schedule may, from time to time, be varied, amended or replaced by order of the Governor in Council;

“producer” means a person who grows produce in Sierra Leone for sale;

“purchase” with its grammatical variations and cognate expressions includes exchange, barter or any agreement or contract to purchase;

“sell” with its grammatical variations and cognate expressions includes exchange, barter or any agreement or contract to sell.

Establish-
ment and
constitution
of Board.

3. (1) There shall be established a Board to be known as the Sierra Leone Produce Marketing Board.

(2) The Board shall consist of—

(a) three members to be appointed by the Governor;

(b) three members, representing the producers, to be nominated by the Minister of Natural Resources;

30 of 1957.

(c) one member to be nominated by the Sierra Leone Chamber of Commerce; and

(d) one member to be nominated by the Sierra Leone African Chamber of Commerce.

(3) The Governor shall appoint a member of the Board to be Chairman.

4. The Chairman and other members of the Board shall, subject to the Governor's pleasure, hold office for two years from the dates of their respective appointments but shall be eligible for reappointment. Term of office.

5. (1) Where a member of the Board is temporarily incapacitated from performing his functions as such by reason of his temporary absence from Sierra Leone or for any other cause, the Governor may appoint a person temporarily to be a member during such period of incapacity and during such period such person shall be deemed to be a member of the Board for all purposes to the exclusion of the member so temporarily incapacitated. Temporary appointments.

(2) Where the Chairman is temporarily incapacitated from performing his functions as such by reason of his temporary absence from Sierra Leone or for any other cause the Governor may appoint another member temporarily to be Chairman during such period of incapacity and during such period such person shall be deemed to be the Chairman for all purposes to the exclusion of the Chairman so temporarily incapacitated.

(3) The member appointed temporarily to be Chairman under the last preceding sub-section may be either a member appointed or nominated under section 3 or a member appointed temporarily under sub-section (1) of this section.

6. Where, upon any special occasion, the Board desires to obtain the advice of any person upon any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required and such person, while so co-opted, shall have all the rights and privileges of a member save that he shall not be entitled to vote upon any question. Co-opted members.

7. Every question coming before the Board at a meeting shall be decided by a majority of the votes of the members present and voting: Voting.

Provided that where the votes are equally divided the Chairman shall have a casting vote in addition to his original vote and the decision of the Board shall be determined accordingly.

Quorum.

8. At a meeting of the Board four members and the Chairman shall be a quorum.

Meetings.

9. The Board shall meet, at least twice in each period of twelve months ending on the 31st day of December and at such other times as may be required by Standing Orders made under section 14.

Special meetings.

10. (1) Any two members of the Board may, by notice in writing signed by them, request the Chairman to call a special meeting of the Board for the purposes set out in such notice.

(2) The Chairman shall, upon receipt of any such notice, summon a special meeting of the Board for such purposes within twenty-one days thereof.

**The Manager.
31 of 1954.**

11. (1) There shall be a Manager to the Board, appointed in the first instance by the Governor and thereafter by the Board, with the approval of the Governor.

(2) The Manager, who shall be an officer but not a member of the Board, shall conduct the correspondence and keep the records of the Board and perform such other duties as the Board may from time to time direct or as are placed upon him under the provisions of this or any other Ordinance.

Incorporation of Board.

12. (1) The Board shall be a body corporate having perpetual succession and a common seal and subject to the provisions of this Ordinance, shall be capable of suing and being sued in the corporate name and of acquiring, holding and alienating property, both real and personal, and of entering into contracts and of doing or performing all such acts and things as bodies corporate may by law do or perform:

Provided that the Board shall not alienate any real or leasehold property or create any leasehold or other interest in land without the consent of the Governor in writing.

(2) The Board may seek registration or recognition as a body corporate in the United Kingdom or in any British possession or in any foreign country, territory, state or possession.

13. (1) The Manager, or such other person appointed in that behalf by the Board, shall act as Secretary to the Board at its meetings. Secretary.

(2) The Secretary shall keep a book for the purpose and shall enter regularly therein minutes of the proceedings of every meeting of the Board. Minutes.

(3) The minutes of every meeting of the Board, after being passed as correct by the Board, shall be signed by the Chairman at the next ensuing meeting.

14. The Board may, with the approval of the Governor, from time to time make Standing Orders providing for the proper conduct of its business and for meetings of the Board and in particular for— Standing Orders.

(a) the custody and use of the common seal; and

(b) the method of entering into contracts and the execution thereof, and the signing of cheques and other instruments.

15. (1) It shall be the duty of the Board to secure the most favourable arrangements for the purchase, export and marketing of Sierra Leone produce and to assist in the development by all possible means of the agricultural industry of Sierra Leone for the benefit and prosperity of the producers and the areas of production. Function of the Board.

(2) The Board shall have power—

(a) to buy produce and to store, transport, process, dispose of (whether within or without Sierra Leone) or export any produce bought by them and to engage in all other operations incidental or ancillary thereto;

(b) to appoint agents to perform on its behalf any of the functions attached to the Board under the provisions of this sub-section.

(3) The Board shall have power for or in connection with any of the purposes of this Ordinance and with the prior approval of the Governor in Council to buy, underwrite, subscribe for or acquire and to hold, deal with, sell or otherwise turn to account any stocks, shares or securities of any company established under the Companies Act in Great Britain the activities of which company are limited to the operations necessary for the importing, storage, exporting, shipping, selling or dealing in produce.

(4) The Board shall have power to enter into any arrangement with the Government of any country or with any department, authority or person in any country (including Sierra Leone) for or in connection with any of the purposes of this Ordinance.

Price control.
31 of 1954.

16. (1) The Board may, with the prior approval of the Governor in Council, by Order, control or regulate the prices at which produce may be purchased and may fix different prices for any particular kind of produce according to any considerations which, in the opinion of the Board, may reasonably affect the price.

(2) Any Order, made by the Board under this section shall be signed by the Chairman or other officer of the Board acting on his behalf and any such Order so signed shall be deemed to be duly made by the Board.

(3) Any person who purchases produce at a price less than that fixed by the Board under the provisions of this section shall be guilty of an offence against this Ordinance.

Governor in Council to give directions.
31 of 1954.

17. The Governor in Council may give to the Board directions of a general character as to the exercise by the Board of any of their powers or duties in relation to any matter which appears to the Governor in Council to affect the interests of Sierra Leone and the Board shall give effect to any such directions.

Delegation of powers.

18. The Board may, from time to time by resolution passed at a meeting and recorded in the minutes thereof, delegate to the Chairman the routine administration of the affairs of the Board:

Provided that no delegation shall be made of the powers conferred upon the Board by sub-section (1) of section 16 of this Ordinance.

Funds and resources of the Board.

19. The funds and resources of the Board shall consist of—

(a) such sums as may be paid to the Board, from time to time from any source;

(b) such sums as may be appropriated to the Board by vote of the House of Representatives or by resolution of the House of Representatives allotting moneys under the provisions of any Ordinance;

(c) moneys derived from the sale of produce under the provisions of this Ordinance;

(d) moneys earned or arising from any property or investments acquired by or vested in the Board;

(e) moneys raised by loan under the powers of borrowing vested in the Board by this Ordinance; and

(f) all other sums or property which may become payable to or vested in the Board in any manner incidental to the performance or exercise of its functions, powers and duties.

20. (1) On the coming into force of this section, the Board shall create a fund to be known as the Price Maintenance Fund, and shall cause to be paid into such Fund out of the funds at their disposal, the sum of two million pounds sterling to be used by the Board to assist in reducing the fluctuations in the market prices of produce by subsidising the prices paid to producers by the Board.

Creation of
Price
Maintenance
Fund.
31 of 1954.

(2) The moneys paid into the Price Maintenance Fund may be invested in Government Securities of the United Kingdom or of other parts of the Commonwealth.

21. (1) The Board shall from time to time apply the funds at their disposal, other than the Price Maintenance Fund created under section 20, to—

Expenditure
of Board's
Funds.
31 of 1954.

(a) the purchase, export and marketing of produce;

(b) the exercise of their functions and operations authorised under sub-section (2) of section 15;

(c) the payment of—

(i) the salaries, gratuities, pensions, retiring allowances and expenses of their officers and employees;

(ii) the remuneration of their agents and auditors; and

(iii) with the approval of the Governor in Council, allowances to Members of the Board.

(2) After providing for the purposes described in sub-section (1), the Board, in the exercise of their powers under section 16, may apply the remaining funds at their disposal, other than the Price Maintenance Fund created under section 20, to reducing the effect of fluctuations in the market prices of produce by subsidising the prices paid to producers by the Board.

(3) After providing for the purposes described in sub-sections (1) and (2), the Board, with the prior approval of the Governor in Council in every case, may, from the remaining funds at their disposal, other than the Price Maintenance Fund created under

section 20, apply such funds as they think fit to any purpose which in the opinion of the Board is likely to benefit the producers, the producing industries or the areas of production, including grants to the Sierra Leone Development Fund established under the Sierra Leone Development Fund Ordinance, and in grants to the Sierra Leone Education Fund established under the Sierra Leone Education Fund Ordinance, for the improvement of educational facilities.

Cap. 258.

Cap. 108.

Servants of
the Board.**22.** The Board may—

(a) from time to time appoint, upon such salaries, terms and conditions as the Board may think fit, such agents, officers and employees as may be necessary for the proper and efficient conduct of the operations of the Board and may at any time terminate the appointment of any such agent, officer or employee; and

(b) grant pensions, gratuities or retiring allowances to any officer or employee and may require officers and employees to contribute to any pension or contributory scheme.

Information
to be
furnished by
Board.
31 of 1954.

23. The Board shall furnish the Government with such returns, accounts and other information with respect to their property and activities as the Governor in Council may from time to time require.

Bad debts.
31 of 1954.

24. The Board may, with the approval of the Governor in Council, write off as a bad debt, any debt due to the Board which the Board considers is irrecoverable.

Accounts
and annual
reports by
the Board.

25. (1) The Board shall keep accounts of its transactions to the satisfaction of the Governor in Council and the accounts for the period ending on the thirty-first day of December, 1949 and thereafter for each year ending on the thirty-first day of December shall be audited by a person approved by the Governor.

(2) As soon as may be after the thirty-first day of December in each year, the Board shall prepare a report of its operations during the preceding year, and shall forward such report to the Governor, together with a certified copy of the audited accounts of the Board.

(3) The annual report and the certified copy of the audited accounts of the Board shall be published in such manner as the Governor in Council may direct and shall be laid before the House of Representatives.

26. (1) Moneys standing to the credit of the Board may, from time to time, be invested in securities approved either generally or specifically by the Governor and the Board may, from time to time, with like approval, sell any or all of such securities.

Investments and advances to Government.

(2) (a) It shall be lawful for the Board to make and for the Government to receive loans out of moneys standing to the credit of the Board upon such terms as may be agreed by and between the Board and the Government.

(b) An agreement for a loan made pursuant to the provisions of paragraph (a) shall be of no force or effect whatsoever until the terms thereof have been approved by the House of Representatives by resolution.

27. The Board may, with the approval of the Governor in Council, from time to time borrow, whether by way of mortgage or otherwise, such sums of money for and in connection with the purposes of this Ordinance as the Board may deem necessary.

Borrowing powers.

28. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Personal liability of members of the Board.

29. The Board shall purchase all produce of exportable quality offered for sale to any agent of the Board at his place of business, at the appropriate price fixed by the Board under section 16 for the particular kind of produce for the area in which such place of business is situated.

Obligation to buy produce. 31 of 1954.

30. (1) Any person, other than the Board, or an agent of the Board duly authorised in that behalf, who buys any produce for export or exports any produce without the permission of the Board signified in writing under the hand of the Chairman, shall be guilty of an offence.

Restriction on purchase and export of produce.

(2) A person who buys produce for re-sale, whether mediately or immediately, to the Board or to a duly authorised agent thereof, for export, shall not by virtue of this section, be guilty of an offence.

31. Any person who—

False representation.

(a) falsely holds himself out as or represents himself to be an agent of the Board; or

(b) being an agent of the Board falsely misrepresents the nature or extent of his authority to act on behalf of the Board; or

(c) falsely holds himself out as or represents himself to be a person acting on the authority or instructions or with the permission of the Board,
shall be guilty of an offence.

Attempts.

32. Any person who attempts to commit an offence against this Ordinance, shall be guilty of an offence against this Ordinance.

Offences by directors, etc. of bodies corporate.

33. Where an offence against this Ordinance is committed by a body corporate and such offence has been committed on the direction of or with the consent and approval of any person being a director, manager, secretary, or other officer of such body corporate, such person shall be guilty of an offence.

Penalties.

34. (1) An offence against this Ordinance shall be punishable—

(a) upon summary conviction, with imprisonment for six months, with or without hard labour, or a fine of fifty pounds or both such imprisonment and fine; and

(b) upon conviction before the Supreme Court, with imprisonment for two years, with or without hard labour, or a fine of five hundred pounds or both such imprisonment and fine.

Forfeiture of produce.

(2) In addition to any other penalty a Court may order that any produce in respect of which an offence has been committed against this Ordinance shall be forfeited to Government.

Appeals.

35. (1) Any person aggrieved by—

(a) the refusal of the Board to appoint him to be an agent to buy produce or any particular kind of produce; or

(b) the termination of his appointment as an agent to buy produce for the Board;

may appeal, in writing, within fourteen days of such refusal or termination to the Governor in Council, whose decision shall be final.

(2) Any agent, appointed to buy produce for the Board, who is dissatisfied with the conditions of his employment by the Board, may appeal in writing to the Governor in Council, whose decision thereon shall be final.

Rules.

36. (1) The Governor in Council may make rules generally for the better carrying out of the purposes of this Ordinance.

(2) Rules made under this section may provide that any offence against such rules shall be punishable with a fine not exceeding twenty pounds or imprisonment not exceeding one month, with or without hard labour, or with both such fine and imprisonment and may provide that such offences may be tried summarily.

(3) In particular and without prejudice to the generality of sub-section (1) of this section, such rules may—

(a) regulate the contracts, made between the Board and their agents, in so far as such contracts are to be performed in Sierra Leone;

(b) specify conditions which shall be implied in contracts made between the Board and their agents in so far as such contracts are to be performed in Sierra Leone;

(c) provide for the keeping of books and accounts by agents of the Board for the purposes of this Ordinance and for the inspection of such books and accounts;

(d) provide for the appointment and duties of inspectors to examine such books and accounts;

(e) provide that such inspectors shall be deemed to be employees of the Board and shall be paid accordingly; or

(f) provide for the submission by agents of the Board and other persons, of returns required for the purposes of this Ordinance.

37. The Governor in Council may by Order vary, amend or replace the Schedule hereto. Amendment
to Schedule.

SCHEDULE.

Benniseed
Cocoa
Copra
Groundnuts
Palm kernels
Palm oil.

Section 2.
P.N.
30 of 1953.
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* Coffee was removed from the Schedule, on 16th April, 1953.