

CHAPTER 53.**MINISTERS' STATUTORY POWERS AND DUTIES.**

ARRANGEMENT OF SECTIONS.

SECTION.

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2. Power to make Orders for the transfer of statutory functions to Ministers.
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CHAPTER 53.**MINISTERS' STATUTORY POWERS AND DUTIES.**

5 of 1958.

An Ordinance to Provide for the Transfer of Statutory Powers and Duties to Ministers, and to make Miscellaneous Provisions for the Manner of Exercise and Signification of such Functions.

[25TH AUGUST, 1958.]

Short title.

1. This Ordinance may be cited as the Ministers' Statutory Powers and Duties (Miscellaneous Provisions) Ordinance.

Power to
make Orders
for the
transfer of
statutory
function to
Ministers.

2. (1) Subject to the provisions of this section, the Governor may, in any Ordinance, by Order make such modifications, whether by means of addition, substitution or deletion, as he may think fit for the purpose of—

(a) transferring to a Minister any of the powers and duties which are by such Ordinance directly or indirectly conferred or imposed on the Governor, the Governor in Council, or any public officer (other than the Secretary of State) or which are conferred upon any other Minister; and

(b) making provisions consequential or incidental to any such transfer.

(2) An Order made under this section may include directions (either general or in relation to any particular matter) for the carrying on and completion by the Minister to whom a power or duty is transferred of anything commenced by the authority from whom it is transferred.

(3) Nothing in this Ordinance shall be deemed to empower an Order to be made the effect of which would be to transfer to a Minister any power or duty—

(a) which relates to any matter for which, under the provisions of the Sierra Leone (Constitution) Order in Council, 1958, or any Order of Her Majesty amending or in substitution for the same, a Minister may not be charged with responsibility, or the Governor or some person other than a Minister is charged with responsibility; or

(b) which is conferred by law upon a judge, magistrate, justice of the peace or other officer exercising functions which relate to the administration of justice, or upon the Director of Audit.

(4) An Ordinance which has been modified in accordance with an Order made under this section shall be deemed for all purposes to have been amended in accordance with such modification, and the provisions of section 22 of the Interpretation Ordinance (which relates to the reprinting of Ordinances which have been amended) shall apply to any modification so effected as they do to additions, omissions, substitutions and amendments effected by an amending Ordinance.

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3. (1) Where by any Ordinance a Minister is empowered to exercise any powers or perform any duties, he may by a delegation notified in the *Gazette* depute any of the following officers by name or office to exercise those powers or perform those duties, subject to such conditions, exceptions and qualifications as the Minister may prescribe—

Power of delegation.

(a) the Permanent Secretary to the Ministry to which is assigned a department of Government for which the Minister has been charged with responsibility, or any officer who comes directly under the authority of such Permanent Secretary;

(b) any officer of any such department of Government;

(c) any police officer with the consent of the Governor;

(d) any other public officer with the consent of the Minister charged with responsibility for the functions exercised by such officer.

(2) No power to sign warrants, or to make regulations, rules, bye-laws or orders shall be deputed under this section.

(3) Any delegation made under the provision of this section shall be revocable at will and no delegation shall prevent the exercise of any power by the Minister concerned.

Signification
of acts of
Minister.

4. When any power is given to a Minister to make any declaration or appointment or to give any licence, authorisation, exemption, notice, direction, approval, permission or consent, it shall be sufficient, unless it be otherwise expressed, for the same to be signified under the hand of a Permanent Secretary.

Saving of
existing
delegations.

Cap. 1.

5. In respect of any power or duty vested in the Governor prior to the making of any Order under section 2, any delegation of such power which shall have been made by the Governor in accordance with the provisions of section 32 of the Interpretation Ordinance prior to the making of such Order shall remain in full force and effect until revoked or replaced by the Minister to whom the power or duty is transferred, but the continuance of such a delegation shall not prevent the exercise by such Minister of any such power or duty.
