

CHAPTER 59.**MONUMENTS AND RELICS.****ARRANGEMENT OF SECTIONS.**

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CHAPTER 59.**MONUMENTS AND RELICS.**

12 of 1946.

An Ordinance to Provide for the Preservation of Ancient, Historical, and Natural Monuments, Relics and other Objects of Archaeological, Ethnographical, Historical or other Scientific Interest.

[1ST JUNE, 1947.]

Short title and application.

1. This Ordinance may be cited as the Monuments and Relics Ordinance, and shall apply to the Colony and Protectorate.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

“ ancient monument ” means any building, ruin, remaining portion of building or ruin, stone circle, altar, pillar, statue, tumulus, grave, cave, rock shelter, kitchen midden, earth-work, iron-smelting site, underground cistern, shell mound or other site or thing of a similar kind, of archaeological, ethnographical, historical or other scientific interest, but does not include any ancient working;

“ancient working” means any shaft, cutting, tunnel or stope which was made for mining purposes and which has been proclaimed as such by the Governor under the provisions of section 9;

“ethnographical article” means ceremonial insignia and includes any other article of archaeological, ethnographical, historical or other scientific interest which has been proclaimed as such by the Governor under the provisions of section 9;

“Government” means the Government of Sierra Leone;

“monument” means—

(a) any ancient monument;

(b) any area of land which is of archaeological or historical interest or contains objects of such interest;

(c) any waterfall, cave, grotto, avenue of trees, old tree or old building; and

(d) any other object (whether natural or constructed by man) of archaeological, ethnographical, historical or other scientific interest;

“national monument” means a monument which has been proclaimed as such by the Governor under the provisions of section 10;

“relic” means—

(a) any fossil of any kind;

(b) any ancient drawing, engraving or painting on stone or petroglyph;

(c) any ancient implement, article or ornament; and

(d) any archaeological or ethnographical contents of any ancient monument or ancient working.

3. (1) As from the commencement of this Ordinance, there shall be established a commission, to be known as the Monuments and Relics Commission and hereinafter referred to as “the Commission”, which shall consist of not less than seven members, who shall be appointed by the Governor.

Establishment and constitution of Commission.

(2) If the Commission consists of less than nine members, three shall form a quorum. If the Commission consists of more than nine members not less than one-third of the total membership shall form a quorum.

(3) The members of the Commission shall choose one of their number as Chairman, who shall convene all meetings of the Commission (other than the first meeting which shall be

convened by the Governor). If at any meeting of the Commission the Chairman is absent, the members present shall choose one of their number as Chairman at that meeting.

(4) The member presiding as Chairman at any meeting of the Commission shall have a deliberative as well as a casting vote.

(5) Subject to the provision of sub-section (4), a decision of the majority of the members of the Commission present at any meeting shall be deemed to be a decision of the Commission.

Members of
Commission
not to be
remunerated.

4. No remuneration shall be paid to the members of the Commission, but each member may be paid from the funds of the Commission his reasonable expenses for travelling and subsistence while engaged upon the business of the Commission at a rate which shall be prescribed by regulation under this Ordinance.

Incorporation
of Com-
mission.

5. The Commission shall be a body corporate having perpetual succession and a common seal and capable in law of suing and being sued in its corporate name and, subject to the provisions of this Ordinance, of acquiring, holding, alienating, hypothecating, letting and hiring property, movable and immovable, and of performing such acts as bodies corporate may by law perform.

Funds and
accounts of
Commission.

6. (1) The funds of the Commission shall consist of grants, donations, fees and subscriptions as may from time to time be made to it or be payable to it.

(2) The accounts of the Commission shall be audited annually by such person as the Commission, with the approval of the Governor, shall appoint.

Powers and
duties of
Commission.

7. (1) The Commission may—

(a) if it has sufficient funds available for the purpose, employ a secretary and such other servants as may be necessary to enable the Commission to carry out its functions and pay their remuneration from its funds.

(b) make a list of all monuments whose proclamation as national monuments it considers desirable;

(c) take steps to ascertain the owner of any such monument;

(d) recommend to the Governor the proclamation of any monument as a national monument;

(e) if it has sufficient funds available for the purpose, purchase or otherwise acquire any monument, relic, ethnographical article or other article of archaeological, ethnographical, historical or other scientific interest;

(f) assume control over any monument, relic, ethnographical article or other article of archaeological, ethnographical, historical or other scientific interest if requested by the person having the ownership or control thereof so to do, and as trustee for the Government accept any such monument, relic, ethnographical article or other article which the owner desires to give or has bequeathed to the Government;

(g) preserve, repair, restore or insure any monument, relic, ethnographical article or other article of archaeological, ethnographical, historical or other scientific interest which is owned by it or under its control;

(h) lend or, subject to the provisions of section 8, give any such relic, ethnographical article or other article to any museum or other public institution;

(i) undertake the excavation of any ancient monument or ancient working, and by writing under the hand of the chairman authorise any act to be done which it may deem necessary for excavating, exploring or safely preserving any ancient monument or ancient working or any relic wherever situate or found and by whomsoever owned or controlled including the placing of appropriate notices;

(j) take steps for the erection of notices or tablets in suitable places, giving information about historical events which occurred at such places;

(k) through any of its members, have reasonable access at all reasonable times to any monument, ancient working, relic, ethnographical article or other article of archaeological, ethnographical, historical or other scientific interest, or believed to be of such interest.

(2) The Commission shall—

(a) when required by the Governor, investigate and report upon any matter relating to any monument, ancient working, relic, ethnographical article or other article of archaeological, ethnographical, historical or other scientific interest or believed to be of such interest, and upon the desirability of proclaiming any monument as a national monument;

(b) on or before the 31st day of March in every year furnish to the Governor a report upon its work during the year which ended on the 31st day of December last preceding and on any

other matters connected with the preservation of monuments, relics, ethnographical articles and other articles of archaeological, ethnographical, historical or other scientific interest which it may desire to bring to the attention of the Governor;

(c) make a register of all national monuments and ancient workings and of such relics, ethnographical articles and articles of archaeological, ethnographical, historical or other scientific interest as it may have acquired or as have been brought to its notice.

Restriction
on power to
alienate, etc.

8. Save with the written consent of the Governor, the Commission shall not alienate, hypothecate or let any monument, relic, ethnographical article or article of archaeological, ethnographical, historical or other scientific interest which is owned by it or for which it is trustee for the Government.

Governor
may proclaim
ancient
workings and
ethno-
graphical
articles.

9. The Governor may from time to time, on the recommendation of the Commission, by notice published in the *Gazette*, proclaim—

(a) any shaft, cutting, tunnel or stope which was made for mining purposes to be an ancient working;

(b) any article of archaeological, ethnographical, historical or other scientific interest to be an ethnographical article.

Governor
may proclaim
national
monuments.

10. The Governor may from time to time, on the recommendation of the Commission, by notice published in the *Gazette*, proclaim any monument to be a national monument:

Provided that—

(i) at least one month before recommending to the Governor the proclamation of any monument which does not belong to the Crown, the Commission shall notify the owner thereof in writing that it proposes to make such recommendation, and such owner may thereupon lodge with the Commission objections in writing to the proposed recommendation; and

(ii) in making any such recommendation the Commission shall submit to the Governor proof that the owner concerned has received the said notice and shall also transmit to the Governor any objections which may have been lodged against such recommendation.

Notification
of dis-
coveries.

11. (1) The discovery of any ancient monument, relic or ethnographical article shall be notified in writing to the Commission without delay by the discoverer thereof and also by

the owner or occupier of the land upon which such ancient monument, relic or ethnographical article is discovered upon the discovery coming to his notice.

(2) Upon receipt of any such notice as is mentioned in sub-section (1) the Commission shall have a right of option to acquire the ownership of the ancient monument, relic or ethnographical article so discovered upon payment to the owner of a sum of money to be agreed upon as fair and reasonable compensation, or failing agreement, upon payment of such sum as may be determined or awarded by such qualified person or persons as the Governor may appoint in that behalf.

Commission's option to acquire ownership.

(3) If within six months after the receipt of the first notice of any discovery in terms of sub-section (1) the Commission has failed to notify the owner of such ancient monument, relic or ethnographical article that it intends to exercise its option, such right of option shall be deemed to have lapsed.

12. No person shall, without the written consent of the Commission, excavate any ancient monument or ancient working or, if he receives the written consent of the Commission, excavate it contrary to any conditions which may have been imposed in such consent or by regulation under this Ordinance.

No excavation without consent of Commission.

13. (1) No person shall, without the written consent of the Commission—

No alteration, damage or removal without consent of Commission.

(a) make any alteration to or destroy or damage, or

(b) remove from its original site or export from Sierra Leone,

any national monument, monument or relic or any part thereof.

(2) Any person who desires to remove from its original site or to export from Sierra Leone any national monument, monument or relic or any part thereof shall, when applying to the Commission for its consent, supply the Commission with a drawing or photograph of the monument or relic or part thereof in question, and shall state the exact locality in which it is situated and the place to which and the purposes for which he desires to remove or to export it.

(3) No person shall, without the written consent of the Commission, alter, destroy, damage or export from Sierra Leone any ethnographical article or any part thereof.

(4) Any person who desires to export from Sierra Leone any ethnographical article or any part thereof shall, when applying to the Commission for its consent, submit the article or part thereof in question for examination by the Commission or supply

the Commission with a drawing or photograph of the ethnographical article or part thereof in question, and shall state the purposes for which he desires to export it.

Damage to
tablets
erected by
Commission.

14. No person shall deface, damage or destroy any notice or tablet erected by the Commission under the powers conferred by paragraph (i) or (j) of sub-section (1) of section 7.

Regulations.

15. The Governor may make regulations generally for the better carrying into effect of the provisions of this Ordinance, and in particular for prescribing—

(a) the procedure in connection with meetings of the Commission;

(b) the qualification of its members;

(c) the period for which its members shall hold office;

(d) the rates of travelling and subsistence allowances to be paid to members of the Commission; and

(e) the conditions to be imposed with respect to any ancient monument or ancient working.

Bye-laws.

16. (1) The Commission may make bye-laws—

(a) regulating the access of the public to any monuments, relics, ethnographical articles and other articles of archaeological, ethnographical, historical or other scientific interest, which are the property of the Commission or which by agreement with the owner are under its control or for which it is trustee for the Government;

(b) fixing fees which shall be payable to the Commission for such access;

(c) safeguarding national monuments, ancient monuments, tablets, relics, ethnographical articles and other articles of archaeological, ethnographical, historical or other scientific interest from disfigurement, alteration, destruction or export; and

(d) regulating the excavation of ancient monuments and ancient workings and the removal of relics and ethnographical articles from ancient monuments or ancient workings.

(2) Such bye-laws may prescribe fines not exceeding ten pounds for contravention thereof or non-compliance therewith.

(3) No such bye-law shall take effect until it has been approved by the Governor and published in the *Gazette*.

17. (1) Any person who knowingly—

Offences and penalties.

(a) fails to comply with or contravenes any provision of this Ordinance;

(b) in any application to the Commission for its consent in terms of section 13 makes any statement which is false in any material respect or supplies therewith any drawing or photograph which is false in any material respect;

shall be guilty of an offence and liable on summary conviction to a fine of one hundred pounds or, in default of payment, to imprisonment for six months.

(2) If any person is convicted of an offence in terms of this Ordinance which has resulted in damage to, destruction or removal of any national monument, ancient monument or relic or any part thereof, or any tablet erected by the Commission, or in damage to or destruction of any ethnographical article or any part thereof, the Court may, in addition to any other penalty which it may impose, order him to pay such sum as the Court may determine for the purpose of repairing such damage or for the value of any article or thing removed or destroyed.



TITLE VIII.

PROTECTORATE.

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