

ACTS

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THE NATIONAL COMMISSION FOR SOCIAL ACTION ACT, 2001

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SIGNED this 30th day of November, 2001.

ALHAJI AHMAD TEJAN KABBAH,
President.

LS

No. 13



2001

Sierra Leone

The National Commission for Social Action Act, 2001. Short title.

Being an Act to establish a national commission for reconstruction and sustainable development activities and to provide for other related matters.

/

] Date of commencement.

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

PART I—PRELIMINARY

Commence-
ment.

1. This Act shall come into operation on a date to be fixed by the President by statutory instrument.

Interpretation.

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

“Board” means the Board of Directors established by section 4;

“Chairman” means the Chairman of the Board appointed under subsection (1) of section 5;

“donor” means any person or organization who or which contributes anything not being public funds, whether in cash or in kind, to meet the expenses of the Commission;

“Commissioner” means the person appointed as Commissioner under subsection (1) of section 14;

“Commission” means the National Commission for Social Action established by section 3;

“member” means a member of the Board.

PART II—ESTABLISHMENT OF COMMISSION

Establishment
of
Commission.

3. (1) There is hereby established a Commission to be known as the National Commission for Social Action.

(2) The Commission shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and 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.

Board of
Directors.

4. (1) The governing body of the Commission shall be a Board in which shall be vested, subject to this Act, the supervision of the Commission.

(2) The Board shall consist of a Chairman and the following members: —

- (a) two persons being senior officials designated as representatives each of such Ministries or departments as the President shall determine;
- (b) two members representing the donors and nominated by the donors;
- (c) two members representing such other stakeholder group or groups as the President shall determine.
- (d) The Commissioner as *ex-officio*.

5. (1) The Chairman and the other members referred to in paragraphs (b) and (c) of subsection (2) of section 4 shall be appointed by the President, subject to the approval of Parliament. Tenure of appointed members.

(2) The Chairman and the members appointed under subsection (1) shall hold office for a term of two years and any such appointment may be renewed as and when necessary for a further term of two years.

(3) On the death or vacation of office of the Chairman or any of the other members appointed under subsection (1), whether such vacation is by termination or otherwise, the President may appoint in like manner another person to serve for the unexpired term of the Chairman or other member, as the case may be.

(4) The Chairman or any member appointed under subsection (1) may resign his office by written notice to the President and may be removed from office by the President for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misconduct.

6. The Chairman and the other members shall each be paid an honorarium or a fee of Lel50,000.00 for each meeting that they attend. Remuneration of members of Board.

7. (1) The Board shall meet two times in a year within an interval of six months. Meetings of Board.

Provided that extraordinary meetings may be held at the written request of the Chairman or two-thirds of the membership of the Board.

(2) At a meeting of the Board where he is present, the Chairman shall preside and, in his absence, the members present may elect one of their number to preside.

(3) The quorum at a meeting of the Board shall be two-thirds of the membership of the Board.

(4) Each member shall have one vote but in the case of an equality of votes, the Chairman shall have a casting vote.

(5) The Board may at any time co-opt any person to advise or otherwise assist the Board at any of its meetings but the person co-opted shall not vote on any matter for decision by the Board.

(6) All acts, matters or things authorized or required to be done by the Board shall be decided at a meeting where a quorum is present and the decision is supported by the votes of at least two-thirds of the members.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal..

(8) The Board shall cause minutes of all of its meetings to be taken and kept as a public record.

Disclosure of
interest.

8. (1) Any member having a personal interest, whether pecuniary or otherwise, direct or indirect, in any contract of the Commission or in any company or concern with which the Commission proposes to make any contract, shall disclose to the Board the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board, and such member shall take no part in any deliberation or decision of the Board relating to such contract.

(2) Any member who contravenes subsection (1) shall be guilty of misconduct and liable to removal from the Board.

9. (1) It shall be the function of the Board to provide such policy guidance and advice to the Commission as will secure the effective implementation of the functions of the Commission and enhance the overall performance of the Commission. Functions of Board.

(2) Without prejudice to the generality of subsection (1), the Board shall have responsibility to—

- (a) review and approve—
 - (i) the work-plan of the Commission for the ensuing six months together with a summary of a supporting budget showing principal categories of expenditure; and
 - (ii) the report of the operations of the Commission, including a summary financial report of the preceding six months;
- (b) review annually the performance of the Commissioner and Deputy Commissioner of the Commission using the performance appraisal system established for the purpose;
- (c) determine at the end of every three years whether or not the appointments of the Commissioner and Deputy Commissioner should be renewed;
- (d) review and approve an Operations Manual for the Commission and any amendments thereto;
- (e) assist in fund-raising for the Commission; and
- (f) foster cooperation between the Commission and relevant ministries, private sector partners and other interested parties.

Protection of
members of
Board.

10. No action, suit or other legal proceeding shall lie against any person who is or was a member of the Board in respect of any decision taken or any act done or omitted to be done in good faith in the performance of any function under this Act.

PART III—FUNCTIONS OF COMMISSION

Functions of
Commission.

11. (1) The object for which the Commission is established is to promote community-based, demand-driven and sustainable development activities leading to the alleviation of poverty and improvement in the speed, quality and impact of development initiatives in cooperation with non-governmental organisations, community-based organisations, relevant ministries, private sector partners and other interested parties.

(2) Without prejudice to the generality of subsection (1), the Commission shall have responsibility—

- (a) during a transitional period to be determined by the Government and the donor or donors, on behalf of the Government, to assume all the functions conferred on the National Commission for Reconstruction, Resettlement and Rehabilitation immediately before the commencement of this Act, including, in particular, the overall planning, programming, coordination, supervision and monitoring of all humanitarian, re-integration, resettlement and reconstruction activities so as to improve the nation's capacity to absorb and use both relief and development assistance effectively;
- (b) to maintain itself as a sustainable national institution for the purposes of the object stated in subsection (1);
- (c) to ensure appropriate use of donor resources (where applicable) in a transparent manner; and
- (d) to undertake public education campaigns on its purposes and procedures; and
- (e) to do all such things as will contribute to the attainment of the object stated in subsection (1).

12. (1) The Commission shall have power—

Powers of
Commission.

- (a) to seek funding from donors to finance its activities but shall, as far as possible, in the implementation of programmes ensure that its discussions with donors are coordinated with relevant ministries and other departments; and
- (b) subject to the approval of the Board, to develop and adopt an Operations Manual setting out the policies and procedures of the Commission and criteria for sub-project selection and information on such other procedural, management, financial and administrative arrangements as it considers necessary for the efficient performance of its functions.

(2) Amendments may, with the approval of the Board, be made to the Operations Manual referred to in paragraph (b) of subsection (1) to take into account changing needs and circumstances of the Commission and any special requirements of donors or potential donors:

Provided that every donor shall be consulted before any amendment to the Operations Manual is made and shall be given the opportunity or right to be heard in respect of any objection to the amendment.

(3) Nothing in this Act shall affect any funding agreement signed between the Government and any donor and in force immediately before the commencement of this Act.

13. (1) The Commission shall have a central office located in Freetown and such provincial or district offices or both as it may consider necessary for the efficient performance of its functions.

Organisation
of
Commission.

(2) The offices referred to in subsection (1) shall have such departments and units as may be necessary for the purposes of the Commission.

(3) The Commission shall establish, at the national and regional levels, review committees on which shall be represented all stake holders of the Commission and whose functions shall be—

- (a) to determine whether proposed sub-projects satisfy the Commission's criteria for financing and are consistent with the objectives of the Commission; and
- (b) to approve or disapprove of proposed sub-projects in accordance with the procedures laid down in the Operations Manual of the Commission.

PART IV — ADMINISTRATIVE PROVISIONS

Appointment
of
Commissioner
and Deputy
Commissioner.

14. (1) The Commission shall have a Commissioner and a Deputy Commissioner both of whom shall be appointed by the President subject to the approval of Parliament.

(2) No person shall be appointed a Commissioner unless he has proven knowledge and ability in the management of development projects or in the management of an organisation similar to the Commission or both.

Functions of
Commissioner.

15. (1) The Commissioner shall be responsible to the Board for the performance of the following functions: —

- (a) to provide overall leadership in the conduct and management of the day-to-day business or activities of the Commission;
- (b) to organize fund-raising from donors, both existing and prospective;
- (c) to initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the development process;
- (d) to monitor and supervise the preparation of the semi-annual budgets and reports of the Commission for the review and approval of the Board;

- (e) to sign contracts and other legal instruments that have been approved by national or regional sub-project review committees or both or by the Board as appropriate and consistent with the Operations Manual of the Commission;
- (f) to recruit and appoint such officers and staff below the level of Deputy Commissioner as is considered necessary for the efficient performance of the functions of the Commission under this Act:

Provided that in making any appointment, the Commissioner shall limit recruitment to positions for which there are vacancies, each with a job description and a continuing justification:

- (g) to ensure non-discrimination and equality of treatment for all applicants for employment and the staff;
- (h) to oversee the work and discipline of the other staff of the Fund; and
- (i) to carry out such other functions as may be assigned by the Board or necessary for the purposes of the Commission.

(2) In the performance of his functions under this section, the Commissioner shall be assisted principally by the Deputy Commissioner who shall also act for the Commissioner in the absence of the latter.

16. The expenses of the Commission shall be met from —

Expenses of
Commission.

- (a) contributions of the Government paid out of public funds; and

- (b) contributions or payments from donors and other interested parties.

Accounts and
audit.

17. (1) The Commission shall keep proper books of account and other records in relation to the activities, property and finances of the Commission and shall prepare in respect of each financial year of the Commission a statement of accounts in the form approved by the Auditor-General and designed to ensure the correct use of the finances of the Commission.

(2) The accounts of the Commission kept under subsection (1) shall be audited every six months by the Auditor-General or an auditor appointed by him.

Annual report
of
Commission.

18. (1) The Commissioner shall, within three months after the end of each financial year, submit for the approval of the Board an annual report of the activities, operations, undertakings, property and finances of the Commission for that year.

(2) Subject to subsection (1), an annual report shall include—

(a) a copy of the audited accounts of the Commission together with the audit report thereon; and

(b) the semi-annual summary financial reports of the Commission for the preceding year approved by the Board.

(3) A copy of the annual report approved by the Board shall be sent to the President not later than three months after the end of the year to which the report relates and the President shall as soon as possible but not later than one month after the receipt of the report cause the report to be laid before Parliament.

Rules and
regulations.

19. The Commission may, by statutory instrument, make such rules and regulations as it may consider necessary or expedient for giving effect to the provisions of this Act.

20. The Commission shall operate for a period of three years ^{Duration of Commission.} from the date of the commencement of this Act but the President may, by statutory instrument, extend the period of operation.

PASSED in Parliament this *15th* day of *November* in the year of our Lord two thousand and one.

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.