

ACT

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THE INDEPENDENT MEDIA COMMISSION ACT, 2020

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SIGNED this 14th day of August, 2020.

DR. JULIUS MAADA BIO,
President.

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No. 5



2020

Sierra Leone

The Independent Media Commission Act, 2020.

Short title.

Being an Act to provide for the continuation of the Independent Media Commission, to provide for the registration and regulation of mass media institutions in Sierra Leone licensing institutions engaged in radio, television or direct to home” digital satellite service broadcasting and registration of persons and institutions engaged in the publication of newspapers, magazines in Sierra Leone 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

Definitions. 1. In this Act, unless the context otherwise requires-

"Chairman" means the Chairman of the Commission;

"Commission" means the Independent Media Commission;

"cross media ownership" means common ownership of multiple media sources by a single person or corporate entity;

"direct to home" means a digital satellite service that provides television viewing services directly to subscribers through satellite transmission anywhere in the country;

"Inter-Religious Council of Sierra Leone" means the Inter-Religious Council of Sierra Leone established in April 1997 to facilitate dialogue and confidence building among the different parties to the conflicts in Sierra Leone;

"media institution" means an institution engaged in the print or electronic media services, including newspapers, newsletters, magazines, radio, television, online publications, direct-to-home and digital satellite television, satellite broadcasting, public relations, advertising, media production and other similar services;

"Minister" means the Minister responsible for information and "Ministry" shall be construed accordingly;

"National Council for Technical, Vocational and other Academic Awards" means the National Council for Technical, Vocational and other Academic Awards established by section 2 of the National Council for Technical Vocational Awards Act, 2001 (Act No. 10 of 2001);

"National Telecommunications Commission" means the National Telecommunications Commission established under section 2 of the National Telecommunications Act, 2006 (Act No. 9 of 2006);

"Sierra Leone Association of Journalists" means the Sierra Leone Association of Journalists established on 5th June 1971 to protect its members, guard and promote media freedom, professionalism and ethical standards of journalism in Sierra Leone;

"Sierra Leone Institution of Engineers" means the Sierra Leone Institute of Engineers registered under the Professional Engineers Registration Council Act, 1990 (Act No. 3 of 1990);

"Tertiary Education Commission" means the Tertiary Education Commission established by section 2 of the Tertiary Education Commission Act, 2001 (Act No.8 of 2001).

"Media practitioner" means A person engage in the writing, editing or transmitting of news and information from a registered media outlet under this Act including free lancers).

"Auditor-General" means Auditor General of Sierra Leone established in Section 119 of the constitution of Sierra Leone (Act No. 6 of 1991).

PART II- CONTINUATION OF COMMISSION

Continuation
of Commission.

2. (1) There shall continue in existence the body known as the Independent Media Commission.

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

(3) The Commission shall have a common seal the use of which shall be authenticated by the signatures of the Chairman and one other member of the Commission designated in that behalf by the Commission.

Composition
of Commission.

3. (1) The Commission shall consist of a Chairman and the following members-

- (a) 2 legal practitioners each qualified enough to hold office as a Judge of the High Court of Sierra Leone, one of whom shall be a woman, nominated by the Sierra Leone Bar Association;
- (b) 2 experts in the field of electronic journalism, one of whom shall be a woman, nominated by the Sierra Leone Association of Journalists;
- (c) 2 experts in the field of print journalism one of whom shall be a woman nominated by the Sierra Leone Association of Journalists;
- (d) 1 expert in the field of information, communication and technology nominated by the Sierra Leone Association of Journalists;

- (e) 1 expert in the field of telecommunications nominated by the Sierra Leone Institution of Engineers ;
- (f) A nominee of the Inter-Religious Council of Sierra Leone; and
- (g) A representative of the Ministry nominated by the Minister.
- (h) A representative of the Sierra Leone Association of Journalists nominated by the Sierra Leone Association of Journalist
- (i) A representative from Civil Society organisation engaged in media issues nominated by the Minister in consultation with Civil Society Organisation .

(2) The Chairman shall be a person with proven relevant technical experience of at least 10 years as a media practitioner appointed by the President in consultation with the Sierra Leone Association of Journalists and subject to the approval of Parliament.

4. (1) The Chairman and all nominated members of the Commission shall hold office for a term of 3 years and shall be eligible for re-appointment for a further term of 3 years only. Tenure of members of Commission.

(2) A person shall cease to be a member of the Commission on any of the following grounds-

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving sexual offences, fraud or dishonesty;
- (e) if he fails to attend 3 regular consecutive meetings of the Commission, other than committee meetings, without reasonable cause; or

- (f) if he ceases to be a member of the organisation that nominated him;
- (g) if he resigns by written notice to the President.

Filling of vacancies.

5. (1) Where the Chairman or a member of the Commission dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months-

- (a) in the case of the Chairman, the members of the Commission shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of a member, the institution that nominated the member shall, subject to this Act, nominate another person to the Commission.

(2) Where a person is appointed as Chairman or as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

Independence of Commission

6. Subject to this Act, the Commission shall not be subject to the direction or control of any person or authority in the execution of its functions.

Remuneration and allowances of members.

7. The Chairman and other members of the Commission shall be paid such remuneration and allowances as are commensurate with those paid to members of statutory bodies as Parliament may determine.

8. (1) The Commission shall ordinarily meet for the dispatch of its business at such times and places as the Chairman may determine but shall meet at least once every month. Meetings of Commission.

(2) A special meeting of the Commission shall be held upon a written request of not less than 3 members of the Commission.

(3) At every meeting of the Commission at which he is present the Chairman shall preside and in his absence, a member elected by the members present from among their number shall preside.

(4) Every question before a meeting of the Commission shall be determined by a simple majority of the votes of the members present and where there is an equality of votes, the Chairman or the person presiding shall have a second or casting vote.

(5) The quorum for a meeting of the Commission shall be 5.

(6) The Commission may co-opt any person it considers fit to attend any of its meetings, except that a person co-opted shall not be entitled to vote on any matter for decision by the Commission.

(7) The validity of the proceedings of the Commission shall not be affected by a vacancy in its membership.

(8) The Commission shall make regulations governing the conduct of the members of the Commission in relation to issues of conflict of interest and misconduct of members in respect of their duties under this Act as it deems fit.

(9) Except as otherwise provided in this Act, the Commission shall regulate the procedure of its meetings.

9. (1) A member of the Commission who has any direct or indirect interest in a matter being considered or to be considered by the Commission shall disclose the nature of his interest to the Commission and the disclosure shall be recorded in the minutes and that member shall not take part in any deliberation or decision relating to that matter. Disclosure of interest.