

ACT

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THE NATIONAL MEDICAL SUPPLIES AGENCY ACT, 2017

ARRANGEMENT OF SECTIONS

Sections.

PART I – PRELIMINARY

1. Interpretation.

PART II – ESTABLISHMENT OF THE NATIONAL MEDICAL SUPPLIES AGENCY

2. Establishment of National Medical Supplies Agency.
3. Board of Agency.
4. Tenure of Members.
5. Meetings of Board.
6. Disclosure of interest.
7. Immunity of Members.
8. Committees of Board.
9. Functions of Board.
10. Remuneration of Members.
11. Filling of Vacancies.

PART III – FUNCTIONS OF THE AGENCY

12. Functions of the Agency.

PART IV – ADMINISTRATIVE PROVISIONS

13. Managing Director.
14. Functions of the Managing Director.
15. Departments of Agency.
16. Other staff of the Agency.
17. Protection of officers.

PART V – FINANCIAL PROVISIONS.

18. Funds of the Agency.
19. Accounts and Audit of the Agency.
20. Financial year of the Agency.
21. Annual report.

PART VI – MISCELLANEOUS PROVISIONS.

22. Transfer of assets.
23. Repeal and savings.
24. Regulations.

SIGNED this 26th day of October, 2017.

DR. ERNEST BAIKOROMA,
President.

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No. 11



2017

Sierra Leone

The National Medical Supplies Agency Act, 2017. Short title.

Being an Act to repeal and replace the National Pharmaceutical Procurement Unit Act, 2012 to establish the National Medical Supplies Agency as a public service agency responsible for the procurement, warehousing and distribution of drugs and medical supplies in a transparent and cost-effective manner for and on behalf of all public institutions throughout Sierra Leone.

[] Date of commencement.

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

PART I – PRELIMINARY

Interpretation. 1. In this Act unless the context otherwise requires–

“Agency” means the National Medical Supplies Agency established under section 2;

“Board” means the Board of the National Medical Supplies Agency referred to under section 3;

“Chairman” means the Chairman of the Board of the Agency appointed under subsection (4) of section 3;

“Managing Director” means the Managing Director of the Agency appointed under subsection (1) of section 13;

“medical supplies” mean any product or material used in the delivery of health care services, including pharmaceuticals, medical consumables, equipment, appliances; laboratory supplies and reagents or any other material or equipment as may be necessary for the delivery of health care services;

“members” means members of the Board of the National Medical Supplies Agency;

“Minister” means the Minister responsible for health and “Ministry” shall be construed accordingly;

“National Pharmaceutical Procurement Unit Act, 2012” means the National Pharmaceutical Procurement Unit Act, 2012 (Act No. 8 of 2012).

PART II – ESTABLISHMENT OF THE NATIONAL MEDICAL SUPPLIES AGENCY

2. (1) There is hereby established a body to be known as the National Medical Supplies Agency. Establishment of the National Medical Supplies Agency.

(2) The Agency 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.

(3) The Agency shall have a common seal, the use of which shall be authenticated by the signatures of–

(a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and

(b) the Managing Director or some other person authorised by the Board in that behalf.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Agency and to be sealed with the common seal of the Agency authenticated in the manner stated in subsection (3), shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(5) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

3. (1) The governing body of the Agency shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Agency. Board of the Agency.

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

- (a) the Permanent Secretary, Ministry of Health and Sanitation;
 - (b) the Financial Secretary, Ministry of Finance and Economic Development;
 - (c) the Permanent Secretary, Ministry of Local Government and Rural Development;
 - (d) a representative of the Pharmaceutical Society of Sierra Leone;
 - (e) a representative of the Sierra Leone Bar Association;
 - (f) 4 other Members recommended by the Minister through a consultative selection process.
 - (i) 1 procurement and supply chain specialist with a degree from a reputable university.
 - (ii) 1 pharmaceutical specialist with experience in drug and medical supply management with a degree from a reputable university.
 - (iii) 1 financial management and accounting expert with a degree from a reputable university and.
 - (iv) A member of civil society organisation dealing with health issues.
- (3) A member recommended by the Minister under paragraph (g) (i-iv) of subsection 2, of section 3 shall–
- (a) have at least 10 years experience in his field of expertise;

- (b) be of proven integrity; and
 - (c) not have been convicted of an offence involving fraud, dishonesty, or sexual offence.
- (4) The Chairman and other members of the Board referred to under paragraphs (g) (i-iv) of sub-section (2) of section 3 shall be appointed by the President on the recommendation of Minister of the subject to the approval of Parliament. Appointment of Members of the board.
- (5) The Chairman shall be appointed from among persons who–
- (a) hold a post graduate qualification from a reputable university;
 - (b) have, at least, 10 years experience in matters relating to healthcare or business management;
 - (c) are of proven integrity; and
 - (d) have not been convicted of an offence involving fraud, dishonesty, or any sexual offence.
- (6) The Managing Director shall serve as Secretary to the Board.
- (7) The Minister in recommending suitable persons under paragraph (g) (i-iv) of subsection (2) shall take into account the aim of ensuring gender diversity on the Board and where 2 candidates are of equal merit the Minister shall recommend the candidate who will enhance the gender diversity of the Board.
- 4.** (1) The Chairman and members referred to in paragraphs (g) (i-iv) to (f) of subsection (2) of section 3 shall hold office for a period of 3 years and shall be eligible for re-appointment for a further term of 3 years only. Tenure of members.
- (2) A person shall cease to be a member of the Board on any of the following grounds–

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; or
- (f) if he resigns his office by written notice to the Minister.

Meetings of the Board .

5. (1) The Board shall meet for the dispatch of its business at least once every 2 months at the offices of the Agency and at such time as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Board and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of 3 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be 5.

(6) A decision on any matter before the Board shall be taken by a majority of votes of the Members present and voting and the Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(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 may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

6. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest in writing to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter. Disclosure of Interest.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Board.

7. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity of members.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority.

8. (1) The Board may for the discharge of its functions appoint one or more committees to perform such functions as the Board may determine. Committees of the Board.